



1995

Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 22— June 02, 1995

Pages 7291-7460

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS
June 2, 1995 Volume 19, Issue 22

PROPOSED RULES

INSURANCE, DEPARTMENT OF	
Traditional Long-Term Care Insurance	
50 Ill. Adm. Code 2012	7291
PROFESSIONAL REGULATION, DEPARTMENT OF	
Veterinary Medicine And Surgery Practice Act Of 1994	
68 Ill. Adm. Code 1500	7296
RACING BOARD, ILLINOIS	
Jockeys, Apprentices, Jockey Agents, And Valets	
11 Ill. Adm. Code 1411	7301
REHABILITATION SERVICES, DEPARTMENT OF	
Assessment For Determining Eligibility And Rehabilitation Needs	
89 Ill. Adm. Code 553	7305
Non-Academic Programs And Policies	
89 Ill. Adm. Code 830	7312
STATE POLICE, DEPARTMENT OF	
Exempt Conversation Procedures	
20 Ill. Adm. Code 1296	7329

ADOPTED RULES

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS	
Public Information, Rulemaking & Organization	
2 Ill. Adm. Code 5200	7335
POLLUTION CONTROL BOARD	
Definitions And General Provisions	
35 Ill. Adm. Code 211	7344
Organic Material Emission Standards And Limitations For The Chicago Area	
35 Ill. Adm. Code 218	7359
Organic Material Emission Standards And Limitations For The Metro East Area	
35 Ill. Adm. Code 219	7385
PUBLIC HEALTH, DEPARTMENT OF	
Testing Of Breath, Blood And Urine For Alcohol And/or Other Drugs	
77 Ill. Adm. Code 510	7412
REHABILITATION SERVICES, DEPARTMENT OF	
Services	
89 Ill. Adm. Code 590	7435

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL
TO PROPOSED RULES**

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

Public Information, Rulemaking & Organization

2 Ill. Adm. Code 5200, Withdrawal7446

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received7447

PROCLAMATIONS

PROCLAMATIONS

95-282	Disaster Areas - Madison and St. Clair Counties	7448
95-283	Disaster Area - Monroe County	7448
95-284	American Islamic Community Week	7448
95-285	Illinois Rivers Appreciation Month	7449
95-286	Internal Auditor Week	7449
95-287	Stravinsky Awards Day	7450
95-288	United States Professional Tennis Association's Tennis Across America Day	7450
95-289	Community Renewal Day	7451
95-290	Homer Franklin Day	7451
95-291	Mary Neighbors Day	7452
95-292	Safe Boating Week	7452
95-293	Women in Management Day	7453
95-294	Dwight "Dike" Eddleman Day	7453
95-295	Illinois School for the Deaf 1995 National Deaf Basketball Champions Day	7454
95-296	Marine Corps League Week	7454
95-297	Marva N. Collins Appreciation Day	7454
95-298	Umbrian Glee Club Day	7455
95-299	Lucille Mott Herron Day	7455
95-300	Rabbi Mordecai Simon Day	7456
95-301	Brain Tumor Awareness Week	7456
95-302	John George/Little City Artistic Expression Day	7456
95-303	Model "A" Restorers Week	7457
95-304	Turkish Business and Cultural Day	7457
95-305	Bob White Day	7458
95-306	Day of the African Child	7458
95-307	Illinois Rehabilitation Association Day	7459
95-308	Rideshare Week	7459
95-309	Disaster Area - Alexander County	7459

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 15, 1995 - Issue 37: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
Mar. 28, 1995	Apr. 4, 1995	15	Apr. 14, 1995	Oct. 3, 1995	Oct. 10, 1995	42	Oct. 20, 1995
Apr. 4, 1995	Apr. 11, 1995	16	Apr. 21, 1995	Oct. 10, 1995	Oct. 17, 1995	43	Oct. 27, 1995
Apr. 11, 1995	Apr. 18, 1995	17	Apr. 28, 1995	Oct. 17, 1995	Oct. 24, 1995	44	Nov. 3, 1995
Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2012
TRADITIONAL LONG-TERM CARE INSURANCE

- 1) Heading of the Part: Traditional Long-Term Care Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2012
- 3) Section Numbers: Proposed Action:
2012.122 Amendment
- 4) Statutory Authority: Implementing and authorized by 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is correcting a typographical error found in Section 2012.122 of the Senior Health Insurance Program (SHIP).
- 6) Will this proposed Amendment replace an emergency rule currently in effect? No.
- 7) Does this Amendment contain an automatic repeal date? No.
- 8) Does this proposed Amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These amendments will not necessitate that the Department establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Fuchs
Rules Unit Supervisor
Department of Insurance
320 West Washington
(or)
Springfield, Illinois 62767
(217) 785-8560

Mary Meyer
Paralegal
Department of Insurance
320 West Washington
Springfield, Illinois 62767
(217) 785-0505
- 12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not impact small businesses.
- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas:

The full text of the Proposed Amendment begins on the next page:

Purpose	Section
Applicability and Scope	2012.10
Definitions	2012.20
Policy Definitions	2012.30
Policy Practices and Provisions	2012.40
Unintentional Lapse	2012.50
Required Disclosure Provisions	2012.55
Prohibition Against Post Claims Underwriting	2012.60
Minimum Standards for Home Health and Community Care Benefits in Long-Term Care Insurance Policies	2012.65
Requirement to Offer Inflation Protection	2012.70
Requirements for Application Forms and Replacement Coverage	2012.80
Reporting Requirements	2012.90
Filing Requirement	2012.95
Loss Ratio	2012.100
Filing Requirements for Advertising	2012.110
Reserve Standards	2012.115
Standards for Marketing	2012.120
Appropriateness of Recommended Purchase	2012.122
Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates	2012.124
Standard Format Outline of Coverage Requirements	2012.126
Requirement to Deliver Shopper's Guide	2012.130
Penalties	2012.140
Replacement Notice for Other Than Direct Response Solicitations	2012.150
Replacement Notice for Direct Response Solicitations	EXHIBIT A
Standard Format Outline of Coverage	EXHIBIT B
Rescission Reporting Format	EXHIBIT C
Class of Insurance - Accident and Health	EXHIBIT D
	EXHIBIT E

AUTHORITY: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].

SOURCE: Adopted at 14 Ill. Reg. 10345, effective June 15, 1990; amended at 18 Ill. Reg. 2238, effective February 1, 1994; amended at 19 Ill. Reg. 2832, effective July 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 2012.122 Standards for Marketing

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

a) Every insurer, as defined herein, marketing traditional long-term care insurance coverage in this State, directly or through its producers, shall:

- 1) Establish marketing procedures to assure that any comparison of policies by its producers will be accurate.
- 2) Establish marketing procedures to assure that excessive insurance is not sold or issued.
- 3) Display prominently by type or stamp on the first page of the outline of coverage and policy the following: "NOTICE TO BUYER: THIS POLICY MAY NOT COVER ALL THE COSTS ASSOCIATED WITH LONG-TERM CARE INCURRED BY THE BUYER DURING THE PERIOD OF COVERAGE. THE BUYER IS ADVISED TO REVIEW CAREFULLY ALL POLICY LIMITATIONS."
- 4) Inquire of a prospective applicant or enrollee for traditional long-term care insurance whether they already have accident and sickness or traditional long-term care insurance and the types and amounts of any such insurance.
- 5) Every insurer or entity marketing traditional long-term care insurance shall establish auditable procedures for verifying compliance with this subsection.
- 6) The insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder of the Senior Health Insurance Program (SHIP) that such a program is available and the most current name, address and telephone number of the program. The current address and toll-free telephone number is 320 W. Washington Street, Springfield, Illinois 62767, 1-800-548-9034 1-800-590-9034.

7) For traditional long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to this Part.

8) Traditional long-term care insurance policies or certificates sold after July 1, 1995 that are not under the Illinois Long-Term Care Partnership Program shall include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in bold type and in a separate box as follows: "THIS POLICY (CERTIFICATE) IS NOT APPROVED FOR MEDICAID ASSET PROTECTION UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM. HOWEVER, THIS POLICY (CERTIFICATE) IS AN APPROVED TRADITIONAL LONG-TERM CARE POLICY (CERTIFICATE) UNDER STATE INSURANCE REGULATIONS. FOR INFORMATION ABOUT POLICIES AND CERTIFICATES APPROVED UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM, CALL THE SENIOR HELPLINE AT THE DEPARTMENT ON AGING AT 1-900-252-8966."

b) In addition to the practices prohibited in Article XXVI (11CS-1997-Act--337--Part-1020-et-seq) (215 ILCS 5/Art. XXVI-1-et-seq), the following acts and practices are prohibited:

- 1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.

2) High pressure tactics. Employing any method of marketing having the effect of, or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

c) With respect to the obligations set forth in this subsection, the primary responsibility of an association when procuring traditional long-term care insurance shall be to educate its members concerning long-term care issues in general so that its members can make informed decisions. Associations should provide information regarding traditional long-term care insurance policies or certificates to ensure that members of such associations receive a complete explanation of the features in the policies or certificates that are being sold by the insurer.

1) The insurer shall file with this Department the following material:

- A) The policy and certificate,
- B) A corresponding outline of coverage, as referenced in Section 2012.130 and Exhibit C of this Part, and
- C) All advertisements requested by the Department.

2) The association shall disclose in any traditional long-term care insurance solicitation:

- A) The specific nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support) that the association receives from the sale of the policy or certificate to its members, and
- B) A brief description of the processes under which such policies and the insurer issuing such policies were selected.

3) If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose such fact to its members.

4) The board of directors of associations shall review and approve such insurance policies as well as the compensation arrangements made with the insurer.

5) The association shall also engage the services of a person with expertise in long-term care insurance, not affiliated with the insurer, to conduct an examination of the policies including its

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

benefits, features, and rates and update such examination thereafter in the event of a material change.

6) No group long-term care insurance policy or certificate may be issued to an association unless the insurer files with this Department the information required in this subsection.

7) The insurer shall not issue a traditional long-term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in this subsection.

d) The insurer shall provide producer training as follows:

1) The insurer shall provide written evidence to the Department of Insurance that procedures are in place to assure that no producer will be authorized to market, sell, solicit, or otherwise contact any person for the purpose of marketing a traditional long-term care policy or certificate unless the producer has completed six (6) hours of training on traditional long-term care insurance as prescribed in Exhibit E of this Part; the course shall be specifically titled "Traditional Long-term Care Insurance Policy." The traditional long-term care course cannot be included as part of any other certified continuing education course; however, this course may satisfy a part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)]. Insurers and producers shall maintain evidence of completion of the hours of training required and shall provide proof of completion upon request. Such proofs of completion shall be in the format prescribed by 50 Ill. Adm. Code 3119.010, and shall be signed by the producer and the provider of the education attesting to the completion of the required training.

2) The required training hours referenced in subsection 2012.122(d)(1) above may qualify as part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)] only if the training course has been certified under 50 Ill. Adm. Code 3119.30. Each educational provider shall submit its request for certification to the Director on a form prescribed by 50 Ill. Adm. Code 3119.010 at least 30 days prior to any course being offered. All educational providers and training courses qualifying for continuing education credit shall be renewed on an annual basis.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 1994

2) Code Citation: 68 Ill. Adm. Code 1500

3) Section Numbers: Proposed Action:

1500.51

New Section

4) Statutory Authority: Section 24.1 of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/24.1].

5) A Complete Description of the Subjects and Issues Involved: The sunset rewrite of the Veterinary Medicine and Surgery Practice Act (P.A. 89-0421, certified August 20, 1993, and effective January 1, 1994) requires the Department of Professional Regulation to establish by rule a program of care, counseling or treatment for impaired veterinarians.

This rulemaking establishes that a veterinarian who has been determined by a qualified health care professional to be impaired shall enter into an agreement with the Department in which the veterinarian agrees to participate in a program designed to provide care and treatment specifically for health care professionals. Reporting requirements are established, with the impaired veterinarian responsible for the cost of such reports. The contents of these reports shall be strictly confidential and shall be exempt from public disclosure.

6) Will these Proposed Amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attn: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0800 or Fax: (217) 782-7645

All written comments received within 45 days of this issue of the Illinois

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Veterinarians.

B) Reporting, bookkeeping or other procedures required for compliance: If the veterinarian is being treated for alcohol or drug abuse, he/she shall submit reports to the Department on a quarterly basis from any sponsors in Narcotics Anonymous or Alcoholics Anonymous or other after care programs. Random drug and alcohol screening results are to be submitted to the Department by the treatment program, with the impaired veterinarian responsible for the cost.

C) Types of professional skills necessary for compliance: Veterinary skills are necessary for licensure.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: Notice of these Proposed Amendments was included in the January 1995 regulatory agenda.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Section

- 1500.5 Approved Veterinary Medicine and Surgery Programs
- 1500.10 Application for Examination by Graduates of Approved Programs
- 1500.11 Application by Graduates of Unapproved Programs
- 1500.15 Temporary Permit
- 1500.20 Examination
- 1500.25 Continuing Education
- 1500.30 Endorsement
- 1500.35 Restoration
- 1500.45 Renewals
- 1500.50 Standards of Professional Conduct
- 1500.51 Impaired Veterinarian Program of Care, Counseling or Treatment
- 1500.55 Advertising
- 1500.60 Conduct of Hearings (Repealed)
- 1500.65 Annual Report of Board
- 1500.70 Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June 30, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 1500.51 Impaired Veterinarian Program of Care, Counseling or Treatment

a) Section 24.1 of the Act requires the Department to establish a program of care, counseling or treatment for impaired veterinarians.

b) Definitions

1) "Impaired veterinarian" means a veterinarian who is unable to

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

practice veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish a person's ability to deliver competent patient care.

2) "Program of care, counseling, or treatment" means a written schedule of organized treatment care, counseling, activities, or education satisfactory to the Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine with reasonable skill and safety of sufficient degree to deliver competent patient care. [225 ILCS 115/24.1]

c) Program of Care, Counseling or Treatment

1) A veterinarian who has been determined by a qualified health care professional to be impaired shall enter into an agreement with the Department in which the veterinarian agrees to participate in a program designed to provide care and treatment specifically for health care professionals and which has been approved by the Department. The agreement may include, but not be limited to, the length of the program, the status of the licensee while in a treatment program, and a termination clause whereby both parties may terminate the agreement at any time.

2) All progress reports of treatment and participation in a treatment program shall be sent to the Department every 60 days. A relapse or non-compliance with the treatment program shall be reported to the Department immediately. All reports shall be signed by a licensed physician, clinical psychologist, licensed clinical social worker, licensed professional counselor or clinical professional counselor or other substance abuse professional approved by the Department.

3) An impaired veterinarian shall continue in an after care program until he/she is released upon successful completion of the structured treatment program.

4) If a veterinarian is being treated for alcohol or drug abuse:

A) The person shall submit reports from any sponsors in Narcotics Anonymous or Alcoholics Anonymous or other after care programs to the Department on a quarterly basis.

B) The person shall submit to random drug and alcohol screenings and the results shall be submitted to the Department by the treatment program. The impaired veterinarian is responsible for the cost of such reports. The Department shall be notified immediately by the treatment program if the person fails to submit to the random drug and alcohol screenings.

d) All reports required shall be submitted to the Probation Compliance Supervisor, Illinois Department of Professional Regulation, 100 West

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Randolph Street, Suite 9-300, Chicago, Illinois 60601.
The contents of any report shall be strictly confidential and shall be exempt from public disclosure. The reports shall be reviewed only by the following:

- 1) The Veterinary Licensing and Disciplinary Board.
- 2) Designated Department attorney(s).
- 3) Administrative personnel assigned to open mail containing reports and to process and distribute the reports to authorized persons, and to communicate with senders of reports.
- 4) The individual who is the subject of the report, his/her attorney or his/her authorized representative.

f) The reports may also be handled or processed by other designated person(s) in a limited manner necessary to implement reports required under the Act or this Section by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.

g) The contents of the confidential reports relating to impaired person(s) shall not be used or made available in any other administrative proceedings before the Department of Professional Regulation or any other department; however, violations of the treatment or supervision plan will result in a review of the person's status by the Veterinary Licensing and Disciplinary Board or its designee for possible discipline or revision in the treatment program. The reports shall not be disclosed, made available or subject to subpoena or discovery proceedings in any civil or criminal court proceedings.

h) Upon determination by the Board that a report(s) on an impaired person is no longer required for review and consideration, the Board shall notify the maker of the reports to cease sending the reports, and the Board and Department records shall be purged of information contained in the reports. Such determinations shall be based on, but not be limited to: the type of impairment and the type of rehabilitation program, length of supervision, occurrence of any relapses and present status of the licensee.

(Source: Added at 19 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Jockeys, Apprentices, Jockey Agents, and Valets

2) Code Citation: 11 Ill. Adm. Code 1411

3) Section Numbers: Proposed Action:

1411.72 Repeal

4) Statutory Authority: 230 ILCS 5

5) A complete description of the subjects and issues involved: This rulemaking eliminates the provision that a jockey may not ride in the same race as his/her spouse.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendments pending in this Part? No.

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
(312) 814-2600

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 22, 1995

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas:

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHbred)

PART 1411

JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

Section

- 1411.05 Colors Worn by Riders
- 1411.10 Jockey Fees (Repealed)
- 1411.20 Paying Fines
- 1411.30 Jockey Ownership of Horse
- 1411.40 Under Suspension
- 1411.50 Betting By Jockey
- 1411.60 Record of Jockey Betting
- 1411.65 Interrogation by Stewards
- 1411.70 Racing Against Employer's Starter
- 1411.72 Spouses Riding Against Each Other (Repealed)
- 1411.75 Owner or Trainer As Spouse
- 1411.78 Racing Against Agent's Horse
- 1411.80 Priority of Retainers
- 1411.90 Conflicting Claims on Jockeys
- 1411.100 Whips, Length and Kind
- 1411.110 Illegal Whipping
- 1411.120 Leaving Operating Track
- 1411.130 Jockey Rules Apply to Apprentices
- 1411.140 Apprentice Rule
- 1411.150 Change of Agent
- 1411.160 Rough or Careless Riding
- 1411.170 Yearly Examination
- 1411.180 Examination Because of Illness
- 1411.190 Jockey's Valet
- 1411.195 Valet's Fees (Repealed)
- 1411.200 Record of Jockey Engagements by Agent
- 1411.210 Falsifying Engagement Records
- 1411.220 Agent Barred from Paddock and Track
- 1411.230 Engagements Made Through Agent
- 1411.240 Safety Equipment
- 1411.250 Designated Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. 1425, effective July

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

15, 1993; amended at 17 Ill. Reg. 21852, effective December 3, 1993; amended at 18 Ill. Reg. 2092, effective January 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 1411.72 Spouses Riding Against Each Other (Repealed)

~~Jockeys who are spouses may not ride against his or her spouse unless their mounts are coupled in the betting and run as an entry.~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Section Numbers: Proposed Action:
 Amendments
 Amendments
 New Section
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).
- 5) A Complete Description of the Subjects and Issues Involved: The amendments prescribe DORS' Order of Selection as required by the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796(i)) as DORS has determined it does not have the resources to provide Purchased Services to all individuals in the State. These amendments define the categories for the priority to receive Purchased Services and how individuals are determined to be in each category.

The amendments also clarify that DORS has determined it has the resources to provide Non-purchased Services to all eligible individuals in the State.

The amendments define the terms "Purchased Services" and "Non-purchased Services".

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
553.20	Amendments	19 Ill. Reg. 842

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

Register. All requests and comments should be submitted in writing to:

Ms. Susan Wartner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 13423
 Springfield, IL 62794-9423
 (217) 785-3896 or TTY: (217) 785-3301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small business.

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: This was included in the most recent regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553
 ASSESSMENT FOR DETERMINING ELIGIBILITY AND
 REHABILITATION NEEDS

Section	General Applicability
553.10	Basis for the Determination of Eligibility
553.20	Presumption of Benefit from Vocational Rehabilitation Services
553.30	Services to Non-United States Citizens
553.35	Eligibility Determination Time Frames
553.40	Outcome of the Eligibility Determination
553.50	Determination of Eligibility Factors/Preliminary Assessment
553.60	Certification of Eligibility
553.70	Extended Evaluation
553.80	Outcome of Extended Evaluation
553.90	Comprehensive Assessment of Rehabilitation Needs
553.100	Assistance in Attaining Necessary Financial Support
553.105	Outcome of the Comprehensive Assessment of Rehabilitation Needs
553.110	Change in Eligibility Status
553.120	Order of Selection
553.130	Criteria for Severe Disability and Most Severe Disability
553.140	Determination of Serious Limitation to Functional Capacities
553.150	

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 18 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 553.130 Order of Selection

a) For the purposes of this Section, the following terms shall have the following meanings:

- 1) Purchased Services - those services provided to eligible individuals having a direct and attributable cost to DORS. These services are those authorized for and paid for by DORS out of VR case service funds; and
 - 2) Non-purchased Services - those services provided to eligible individuals for which there is no expenditures of VR case service funds.
- b) Pursuant to the provisions of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 - 796(i)), DORS has established the following

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

Order of Selection for the priority of provision of services to eligible individuals which counselors must follow when purchasing services for customers: ~~After the Comprehensive Assessment (49-111-Adm-Code-553.1007-counselors must follow the order of selection in purchasing services for individuals. Individuals shall be serviced in the following order of priority:~~

- 1) ~~those individuals determined to have the most severe disabilities;~~
 - 2) ~~those individuals determined to have with severe disabilities;~~
 - 3) ~~those individuals determined to have with non-severe disabilities who are public safety officers and civil employees who are injured in the line of duty;~~
 - 4) ~~those individuals determined to have with non-severe disabilities who are recipients of public assistance;~~
 - 5) ~~all other individuals determined to have with non-severe disabilities.~~
- c) For the purposes of administering services under the Order of Selection, DORS has determined that current funding levels allow:
- 1) Purchased Services to be provided to eligible individuals in the categories established in subsections (b)(1) and (2), above; and
 - 2) Non-purchased Services to be provided to all eligible individuals.
- d) Eligible individual in subsections (b)(3), (4), and (5), above, may at his/her choice be placed on a waiting list for Purchased Services, rather than accepting only Non-purchased Services. The waiting list will be maintained by DORS and Purchased Services offered if the Director of DORS determines funding is available to provide Purchased Services to the priority group to which the customer has been assigned and in accordance with the provisions of subsection (e), below.
- e) DORS administration shall review statewide funding levels on a quarterly basis and based on availability of funding, Purchased Services may be provided to eligible individuals in addition to those as described in subsections (b)(1) and (2), above. If, based on this review, the Director determines that funding is available in excess of that required to provide services to all individuals in the State who are in the priority categories listed in subsections (b)(1) and (2), above, DORS will offer services to additional eligible individuals based on the following:
- 1) services will first be offered to eligible individuals in the next highest priority category;
 - 2) eligible individuals within a specific category being offered services will be offered services chronologically based on the date the individual was determined eligible to receive services; and
 - 3) services will be offered and provided to additional eligible individuals until DORS determines current funding levels do not allow the expansion of services to other categories.
- f) Once an individual has been determined eligible and has begun to

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

receive Purchased Services, he/she will be eligible to continue to receive services until he/she completes his/her rehabilitation program regardless of changes made by DORS to its Order of Selection or priority of services.

- g) Once an eligible individual is assigned to a specific priority of service category, his/her category assignment may be changed to a higher priority category, if justified based on new information relating to his/her disability and documented in the customer's case file, but shall not be moved to a category of lower priority.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 553.140 Criteria for Severe Disability and Most Severe Disability

- a) Criteria for determining that the individual has a severe disability or a most severe disability must be in the individual's VR case file, stated and justified in the Assessment Summary (89 Ill. Adm. Code 553.70 and 89 Ill. Adm. Code 553.110) based on the following information. All four of the following criteria must exist for an individual to be considered an individual with a most severe disability. To be considered an individual with a severe disability, the individual must meet all of the criteria listed in subsection (c) below, with the exception that the customer's disability must seriously limit three or more of the functional capacities, as listed in Section 553.150 of this part.

- c) To be considered an individual with a severe disability, he/she must have a disability which is determined by the rehabilitation counselor/instructor to meet all four of the following criteria:

- 1) The severe disability seriously limits one or more of the individual's functional capacities, as listed in Section 553.150 of this Part.

- a2) The individual has a disability or combination of disabilities determined by an evaluation of rehabilitation potential to cause a substantial physical or mental impairment similar to the following list of disabilities severe--physical---or---mental impairment resulting from:

- A)† amputation,
B)† arthritis,
C)† autism,
D)† blindness,
E)† burn injury,
F)† cancer,
G)† cerebral palsy,
H)† cystic fibrosis,
I)† deafness,
J)†† head injury,
K)†† heart disease,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- Lj127 hemiplegia, Lj128 hemiplegia, Mj157 hemiplegia, Nj147 respiratory or pulmonary dysfunction, Qj157 neural reparation, Pl167 mental illness, Qj167 multiple sclerosis, Pl167 muscular atrophy, Sl167 muscular atrophy - nerves, Sl167 muscular atrophy - nerves, Sl167 central spinal nerves, including stroke and epilepsy, Qj167 paraplegia, Wj127 quadriplegia (and other spinal cord conditions),

- | 品名 | 単位 | 数量 | 金額 | 備考 |
|------|----|-----|------|----|
| 小麦 | kg | 100 | 1000 | |
| 大豆 | kg | 50 | 500 | |
| 米 | kg | 200 | 2000 | |
| 雑穀 | kg | 100 | 1000 | |
| 野菜 | kg | 100 | 1000 | |
| 果物 | kg | 100 | 1000 | |
| 肉類 | kg | 100 | 1000 | |
| 魚類 | kg | 100 | 1000 | |
| 卵 | kg | 100 | 1000 | |
| 乳類 | kg | 100 | 1000 | |
| 油脂 | kg | 100 | 1000 | |
| 調味料 | kg | 100 | 1000 | |
| 飲料 | kg | 100 | 1000 | |
| 衛生用品 | kg | 100 | 1000 | |
| その他 | kg | 100 | 1000 | |
| 合計 | | | | |

- and guidance services provided by the Federal Bureau of Investigation, Inspector, will be required to ensure the successful employment outcome.

- Just VR services will be required over an extended period of time. An extended period of time for the purposes of the VR program is defined as 6 months or more.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 553.150 Determination of Serious Limitation to Functional Capacities

- a) For the purpose of determination of severe and most severe disabilities, functional capacities shall include:

- 1) mobility - the ability of an individual to move from place to place and move the body into certain positions (e.g., walking, climbing, kneeling, stooping, sitting, standing);
- 2) self-care - the ability of an individual to perform activities related to his/her health and hygiene (e.g., grooming, bathing, eating, house keeping, medical management, money management);
- 3) self-direction - the ability of an individual to control and regulate his/her own personal, social, and work life activities; maintain activities and achieve positive directions and established roles, occupational skills, etc.;
- 4) work skills - the ability of an individual to perform jobs which exist in the current employment market, regardless of demand for

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

the particular occupation (e.g., learn and maintain work skills, cooperate with others in a work setting, use adequate decision making and problem solving skills):

- 5) work tolerance - the ability of an individual to consistently and adequately perform a job based on the job's physical, emotional, environmental, and psychological demands of the position (e.g., performance on the job is not adversely affected by changes in environment such as cold and heat, has the strength and endurance to perform the job in question);
 - 6) interpersonal skills - the ability of an individual to establish and maintain appropriate relationships with other individuals in the work place (e.g., necessary communications, appropriate and acceptable behavior, ability to cooperate in a team setting, understanding, tact); and
 - 7) communication - the ability to convey and receive information efficiently and effectively (e.g., ability to hear and understand ordinary spoken language; ability to make one's self understood in ordinary conversation; ability to write or print short notes and communications; and ability to read and correctly interpret short notes, signs, and instructions).
- b) A serious limitation to a functional capacity shall exist when it is determined by the rehabilitation counselor/instructor that the customer, because of his/her disability, has functional limitations in performing the major components of the activity or activities listed in subsections (a)(1) through (7), above, or needs accommodation.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Non-Academic Programs and Policies

- 2) Code Citation: 89 Ill. Adm. Code 830

- 3) Section Numbers: Proposed Action:

830.10	Amended
830.15	New Section
830.20	Amended
830.30	Amended
830.35	Amended
830.40	Amended
830.50	Amended
830.60	Amended
830.80	Amended
830.90	Amended
830.100	Amended
830.110	Amended
830.120	Amended
830.130	Amended
830.140	Amended
830.150	Amended
830.160	New Section
830.170	New Section
830.180	New Section

- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

- 5) A Complete Description of the Subjects and Issues Involved: The attached Sections were amended or written in response to PA 88-91 that allowed local school entities to collect fees. Previously adopted Sections were modified as needed, whereas Sections 830.160, 830.170 and 830.180 were written to ensure the Department of Rehabilitation schools' policies regarding the collection of fees from their student population and the general public were in agreement with PA 88-91.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this part? No

- 10) Statement of Statewide Policy Objectives: This is not applicable to this

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

rulemaking.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896; TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.
- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: This was included in the most recent regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER F: EDUCATION FACILITIES

PART 830
NON-ACADEMIC PROGRAMS AND POLICIES

Section

830.10	The Taking and Using of Students' Photographs
830.15	Locally Held Funds
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Use of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents/Guardians
830.140	Visits to Schools
830.150	Behavior Intervention
830.160	Profit on Sales from Commissary Stores
830.170	Receipts from Athletic, Musical and Other Events
830.180	Transportation Fund

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3.1 of the Disabled Persons Rehabilitation Act [20 ILCS 2405-10, 11 and 3.1].

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 17 Ill. Reg. 6248, effective April 5, 1993; amended at 18 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 830.10 The Taking and Using of Students' Photographs

- a) Department of Rehabilitation Services (DORS) employees will not be permitted to take or use a photograph of a student which would demean or embarrass the student or would not be considered by reasonable viewers to represent the student in a positive or favorable manner. Photographs of a student will only be taken or used by a DORS employee when the permission of the student's parent or guardian, or the student (when the student is 18 or over) has been obtained.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) The superintendent of the school (or the superintendent's designee) shall not authorize any person(s) not employed by DORS to photograph a student on campus, nor will the school provide a photograph to such a person(s) unless the superintendent or designee knows the purpose for which the picture will be used and has assurance that that person(s) will observe the standards as set forth in subsection (a). Insofar as possible, photographs of a student will only be taken or used when the permission of the student's parent or guardian, or the student (when the student is 18 or over ~~18~~) has been obtained.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.15 Locally Held Funds

- a) Pursuant to 20 ILCS 2405/13(i), Illinois School for the Deaf (ISD), Illinois School for the Visually Impaired (ISVI), and Illinois Center for Rehabilitation and Education - Roosevelt (ICRE-R) shall each maintain accounts of locally held funds for the purpose of providing benefits, amusement, and special services to students of each school.
- b) Locally held funds are non-appropriated monies received by either ISD, ISVI, or ICRE-R from any source including grants, bequests, and gifts.
- c) All locally held funds shall be established and all activity regarding the funds reported pursuant to Section 33.10 of the Comptroller's Unified Statewide Accounting System (CUSAS).

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 830.20 Needy Student Fund

- a) Each school shall maintain a Needy Student Fund to provide for the special comfort, pleasure and amusement of the students, or for ~~creating--persons--items--and--various--activities--and--support--for~~ students having little or no personal financial resources.
- b) All interest and income earned on student trust funds and funds specifically donated for the purpose of providing support for students having little or no personal financial resources shall be deposited in this fund.
- c) Expenditures from this fund may be authorized by the superintendent (or the superintendent's designee) at the request of a student and/or staff member for the purposes stated in subsection (a). In determining whether to authorize expenditures from the Needy Student Fund, the superintendent shall consider the amount of funds available, the purpose of the expenditure, and the needs and resources of the student. Documentation of all expenditures must be maintained.
- d) These funds ~~may~~ ~~fund~~ and the ~~its~~ records pertaining to such funds shall be subject to audit by DORS' the internal auditors of DORS and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

by the ~~State-of-Illinois~~ Auditor General of the State of Illinois ~~General's-office~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.30 Student Trust Fund

- a) Students are encouraged not to keep substantial amounts of money, based on the age and maturity level of each student, on their persons or in their rooms, but to deposit it in the Student Trust Fund. Money can be deposited in the Student Trust Fund by the student or parents in person or by mail. A receipt shall be provided to the depositor.
- b) Any restrictions or special considerations which the parents or guardians wish to apply to the student's withdrawals from the Trust Fund must be communicated in writing to the superintendent (or the superintendent's designee) each year or when changes are to be made.
- c) Students may make withdrawals, subject to any limitations the parents have imposed as set forth in subsection (b), of their money from the Trust Fund in increments of their choosing. However, if a student requests an unusually large amount, based on the age and maturity level of each student, ~~for no apparent reason~~, he or she shall be asked to explain the need and the parents will be contacted before the request will be approved. A dated, signed form acknowledging receipt must be completed at the time of withdrawal.
- d) Parents or the students will be informed of the student's balance in the fund on a quarterly basis.
- e) The Student Trust Fund is subject to the usual accounting controls (74 Ill. Adm. Code 245) and to audits by DORS' internal auditors and by the Auditor General of the State of Illinois ~~the internal auditors~~ ~~of DORS and by the State of Illinois Auditor General's office~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.35 Student Activity Fund

- a) Student activity fees are \$30 per year for high school students and \$20 per year for elementary school students. These fees should be paid at the beginning of the school year. The Needy Student Fund is available to assist in paying a student's activity fees, in accordance with Section 830.20.
- b) All student activity fees shall be placed in a locally held fund and may be spent for the special comfort, pleasure, and amusement of the students. Documentation of all expenditures must be maintained.
- c) These funds and the records pertaining to such funds shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.40 Valuables

The school school has no responsibility or authority to provide funds to replace or repair the student's personal valuables, e.g., jewelry, radios, televisions, tape recorders, which are lost, damaged, or stolen in less due to staff negligence.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.50 Health Services

a) The Illinois Center for Rehabilitation and Education - Roosevelt (ICRE-R) Children's School and Rehabilitation Center (CSRE) provides comprehensive medical, nursing, physical therapy, occupational therapy and nutrition services, complete with both prescription and non-prescription medications, supplies and devices for its students.

b) The Illinois School for the Deaf (ISD) and the Illinois School for the Visually Impaired (ISVI) provide part-time physicians, full-time nurses, such basics as cough medicine, bandages, and cotton swabs, and services of occupational and physical therapists to handle the health and treatment programs for their students. In addition, a seven day a week infirmary is provided at ISD to serve the students of ISD and ISVI who are too ill to stay in the dormitory, but not ill enough to require hospitalization.

c) Each school will provide assistance to parents in locating sources of, or arranging for, needed medical services which are beyond those described in subsections (a) or (b) above, providing there is a clear understanding that the school will not pay or be responsible for such services.

d) If a student receives medical treatment other than that prescribed by school health officials, the parents/guardian must inform school staff of such treatment and provide written medical information pertinent to that treatment.

e) Each school shall comply with Section 27-3.1 of the School Code Rev. Stat. 1991, Ch. 122, par. 27-8.1 [105 ILCS 5/27-8.1]; in matters pertaining to immunization of its students. In addition, at the direction of the school's physician and superintendent, authorized medical staff at the school shall immunize students for communicable diseases provided:

1) the Illinois Department of Public Health (DPH) recommended the immunization due to a time limitation or unusual situation;

2) the local public health agency provides the vaccine at no cost to the school or the superintendent determines, in consultation with the school physician, an emergency situation exists and the need

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

is so urgent that the vaccine should be purchased from school funds; and

3) the parents have given their consent if the student is under 13 years of age, or the student has given his or her consent if the student is 18 years old or older.

f) HIV Testing. In compliance with the AIDS Confidentiality Act Rev. Stat. 1991, Ch. 122, par. 27-8.1 [105 ILCS 5/27-8.1] (AIDS Act) and rules of the Department of Public Health (DPH) Adm. Code 537 - AIDS and Confidentiality and Testing Code, a student may not be tested for human immunodeficiency virus unless:

1) the student or legally authorized representative consents in writing, or

2) a DORS' school employee has had an accidental direct skin or mucous membrane contact with the student's blood or body fluids which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgement.

3) Test Information and Counseling. In compliance with the AIDS Act Rev. Stat. 1991, Ch. 122, par. 27-8.1 [105 ILCS 5/27-8.1], if an HIV test is ordered by a school physician, whether or not written, informed consent of the student or legally authorized representative has been given, the physician must provide the student with information, including:

A) the meaning of test results;

B) additional or confirmatory testing, when appropriate; and

C) referrals for further information or counseling.

4) Disclosure of test results. The person performing the test shall only disclose results to the following people, who shall not redisclose the results, except as authorized by the AIDS Act:

A) the student or his or her legally authorized representative;

B) anyone designated in a express release executed by the student or legally authorized representative;

C) the school employee who has had accidental contact as described in subsection (f)(2) above;

D) the DPH (any redisclosure by a DPH employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DPH); and

E) an employee of the school if he or she provides the student with medical services or such care as may involve contact with blood or body fluids of a student and the employee has a need to know such information (e.g., an employee has been involved in accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS). Any redisclosure by a DORS' employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DORS.

g) In compliance with the Communicable Disease Prevention Act Rev. Stat. 1991, Ch. 122, par. 27-8.1 [105 ILCS 5/27-8.1]

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

State--1991--ch--111-127--part-23-12a [410 ILCS 315-2a] the DPH or local public health department shall inform the facility administrator that a student has been diagnosed as having AIDS or AIDS-related complex or has been exposed to HIV. The facility administrator shall not disclose such information except to the following (who shall not redisclose the results except as authorized by the AIDS Act) and then only if the principal then finds it necessary for the safe and effective administration of the school and its programs:

- 1) the principal of the DORS school;
- 2) the teachers in whose classes the student is enrolled;
- 3) the Infectious Disease Control Committee (i.e. facility administrator, head nurse and facility physician);
- 4) the school nurse; and
- 5) any other person that the facility administrator deems has a need to know, who has been involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS, but the student's identity cannot be revealed.

h) Each school will adhere to a consistent policy with regard to a diagnosis of pediculus Humanus Capitis (head lice) by the school physician or nurse when discovered in the student population.

- 1) Residential students will be treated by the Nurse applying a permethrin cream rinse the first available time the day the head lice is discovered. Parents/Guardians will be contacted advising them their child has been treated by the nursing staff for head lice.
- 2) Non-residential students will have a phone call made to the affected student's parents/guardian informing them of the diagnosis of head lice, and that the student must be removed from school as soon as possible. The recommendation will be made to seek treatment from a physician and that all household members be treated. They will be informed that the student will not be allowed to return to school until treatment has been completed. In the event a parent of a non-residential student cannot be contacted within a two hour time frame, the school nurse will treat the student to facilitate returning the student to the school classroom until the parent is contacted. If the clothing of a non-residential student is infested, temporary clothing will be issued while the student's clothes are being laundered.
- 3) All roommates and classmates will be evaluated for the presence of nits (lice eggs) or other evidence of infestation by the school nurse.
- 4) Residential students will not be allowed to return to school until they have been treated by the nursing staff. Non-residential students must present proof of appropriate treatment (e.g., note from physician, copy of prescription, proof of purchase of an over the counter product for the treatment of head lice) before returning to school. Upon return school the

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

student will be re-examined by the nurse prior to admission.

5) The nursing staff will again examine the affected student in 7 to 10 days.

6) All potentially infected environmental surfaces and clothing of residential students that could have been infected will be treated by the facility staff to prevent re-infection of the student population.

(Source: Amended at 19 _____, effective _____, effective _____)

Section 830.60 Search and Seizure

- a) The superintendent or designee of a school has the authority to approve the search of any student's person, locker, room or property when the superintendent/designee has a reasonable belief that the student has alcohol, drugs, a weapon, stolen goods or any other item prohibited by the school's rules. Any search of person must be made by staff of the same gender as the student being searched with another staff person present as a witness.
- b) Any contraband, as defined by 89 Ill. Adm. Code 927 and the Criminal Code of 1961 ~~(40-1-Rev.-State-1985-07-31; Part I - Sec. 9-7)~~, found during the search shall be seized and held until its proper disposition is determined through consultations with Central Office staff or local or state law enforcement officials as indicated by the situation.
- c) The superintendent shall not approve a search as a means of embarrassing or punishing a student. Insofar as feasible, any search shall be made in such a manner that it is not observed by or known to other students.
- d) Nothing in this policy shall be construed to prohibit school staff and representatives from various regulatory bodies from entering students' rooms in the course of their normal duties.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.80 Food and Nutrition

Each school shall:

- a) provide Provide food which is prepared and served under sanitary conditions as set forth in 77 Ill. Adm. Code 750.
- b) provide Provide medically prescribed diets as needed.
- c) serve Serve three balanced meals, as approved by the school's medical personnel, each day and shall maintain a record of the menus of the food actually served, which shall be retained and be available for review for a period of at least one year.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) Each school may accept and hold on behalf of the State, if for the public interest, a grant, gift, or legacy of money or property to the State of Illinois, to the Department, or to any school or program made for any legitimate purpose connected with the school or program. The Department shall cause each grant, gift or legacy to be deposited in a distinct fund or in the "DORS State Project Fund" or a fund held locally by a school, depending on the purpose for which the gift was given.
- c) Each grant, gift, or legacy shall be used for the purpose for which it was given. Grants, gifts, or legacies shall be designated pursuant to be designated by the Director or designee when the value exceeds \$500.00. The administrator of the facility will place grants, gifts, or legacies less than \$500.00 in the Needy Student Fund.
- d) If a donation of goods or property is made to the school or any of its units, it should be explained to the donor that once such a gift is donated, it becomes state property, unless otherwise stipulated in writing.
- e) These funds and the records pertaining to such funds shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.110 Release of Students to Authorized Individuals

- a) The school will not authorize one of its students to leave campus with an individual(s) other than the student's parents' guardian, or staff or a student of the school unless:
- 1) the school has on file a written statement signed by the student's parents/guardian granting permission for the individual(s) in question to take their child off campus, or
 - 2) the student's parents/guardian have telephoned appropriate staff to grant permission for the individual(s) in question to take their child off campus. Staff receiving such a call must submit a written memorandum with all pertinent information (i.e., date, time, student's name, name and contact information of person being given permission to take the student, length of time the student will be away, where the student will be) to the superintendent/designee for approval before the student may leave campus.
- b) Persons not known to the school staff shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release from campus.
- c) This policy does not limit students, with the approval of the school, from leaving campus individually or in groups to participate in off-campus activities.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.90 Safety and Sanitation

- a) Each school shall request:
- 1) at least an annual inspection by the Illinois Department of Public Health or the local health department of all its buildings which are used by the students. These inspections shall give special attention to dietary service; health service; lavatory, bath, and toilet facilities; pest control; and ventilation.
 - 2) at least an annual inspection of all its buildings and related systems by the State Fire Marshal and/or the local fire department.
 - 3) the resources of the Capital Development Board and the Department of Central Management Services, as needed, in the maintenance and repair of its buildings.
- b) Each school shall comply with the Illinois Department of Labor's rules set forth in 56 Ill. Adm. Code 350 in relation to the safety of the school's employee's and insofar as they relate to the safety of the school's students.
- c) Each school superintendent shall fulfill his or her responsibilities for maintaining the school's grounds and buildings in such a manner that there will be no unusual hazards which will endanger students, staff, or the public.
- d) To the extent that funds are available, each school shall maintain equipment in good repair, but regardless of funds:
- 1) all A++ boilers shall be inspected per 41 Ill. Adm. Code 120, in accordance with the schedules and procedures specified by the State Fire Marshal.
 - 2) all A++ elevators shall be inspected in accordance with the schedules and procedures specified by the responsible agency in the city in which the school is located.
 - 3) all A++ x-ray equipment shall be inspected in accordance with the schedule and procedures specified by the Illinois Department of Energy and Natural Resources (32 Ill. Adm. Code 310.50).
- e) Each school shall maintain written plans for such emergencies as fires and tornadoes. The plan for fire drills shall include all of the requirements of the State Fire Marshal contained in 41 Ill. Adm. Code 110.20 and shall be explained to all students and staff. At least one drill each school year shall be at a time when most of the students are normally asleep.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.100 Donations

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.120 Use of Motor Vehicles by Students

a) Unless the vehicle is needed to transport the student to and from school or to meet some justifiable short-term need, students at a school are not authorized to have or use personal motor vehicles while under the responsibility of the school. Justifiable short-term needs could include:

- 1) ~~a~~ A potential emergency situation at home, making it desirable for the student to return home on short notice.
- 2) ~~bringing~~ Bringing the vehicle to the school to repair it in one of the school's vocational classes as an educational project.
- b) Authorization for students to have or use personal vehicles while under the responsibility of the school can be approved only by the superintendent. In order for a request for such an authorization to be considered, it must be submitted in writing to the superintendent's office and include:

- 1) ~~the~~ The reason(s) the student needs to have or use the vehicle.
- 2) ~~the~~ The length of time the student will need it.
- 3) ~~the~~ The student's driver's license number.
- 4) ~~the~~ The name of the company, the policy number and the amount of insurance coverage in effect on the student/vehicle.
- 5) ~~the~~ The name of the person who owns the vehicle.
- 6) ~~the~~ The parents'/guardian's signed consent if the student is under 18 years of age or the parents'/guardian are legally responsible for the vehicle or the insurance on it.

- c) All approved authorizations are subject to the following stipulations. The vehicle shall:

- 1) ~~Shall~~ be used only for purposes (needs) specified in the request as approved by the superintendent.
- 2) ~~Shall~~ not be used on school days between the hours of 8:00 a.m. and 3:15 p.m. except in emergencies.
- 3) ~~Shall~~ not be used to transport other students without the specific written consent of those students' parents.
- 4) ~~Shall~~ not be used as a meeting place to visit.
- 5) ~~Shall~~ while on campus and not in use, be parked in the prescribed location and be locked.
- d) Any claims for damages to or by the vehicle shall be the responsibility of the student, the parent/guardian, the insurance company or some source other than the school.
- e) Abandoned Vehicles: Unless prior arrangements are made and approved by the superintendent, if any vehicle is left on the school grounds 60 days after the last day of the school year and if the owner fails to respond within 10 days to a registered letter from the superintendent, the vehicle shall be declared abandoned.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.130 Student Activities Requiring Approval of Parents/Guardians

Unless a student is 18 years of age or older:

- a) Consent/approval ~~A--consent--approval~~ is required at the beginning of each school year for each of the following activities and shall remain in effect for the remainder of that school year or until it is modified or revoked by the parents/guardian.

- 1) Competing in interscholastic athletic activities. Each sport in which the student may compete during the year must be listed on the consent form.
- 2) Traveling out of state on a school-sponsored activity. The date, destination and purpose of each scheduled out of state trip the student may take during the year must be listed on the consent form.
- 3) Using the student's picture or other identifying information in news releases, brochures or other publication (Section 830.10).
- 4) Leaving campus with someone other than the student's parents/guardian or a staff member or student of the school (Section 830.110). Each person who may take the student off campus during the year must be listed on the consent form.

Parent/guardians may add or delete names during the year.

- b) A specific consent/approval is required prior to each of the following activities and shall remain in effect for only the period specified on the consent form or until it is modified or revoked by the parents/guardian.

- 1) Receiving the annual flu vaccination when it is available to the students at the school (Section 830.50).
- 2) Engaging in such religious activities as baptism, first communion, or confirmation.
- 3) Receiving psychological assessments in such areas as aptitude, general mental ability, personality, achievement and vocational interests (89 Ill. Adm. Code 775.10 (b)(2)).
- 4) Receiving ongoing individual or group counseling (89 Ill. Adm. Code 775.10(b)(2) and (3)).
- 5) Including the student or identifying information about him or her in research projects by universities, other agencies, or by individuals (89 Ill. Adm. Code 505).
- c) Students 18 years of age and older that are legally competent have the ~~right~~ right to sign consent forms on their own behalf.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.140 Visits to Schools

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) All visits (e.g., parent-teacher conferences, tours of the school facilities and contact by outside agencies, individuals, and businesses regarding materials, services and programs) to the Department of Rehabilitation Services (DORS) schools from DORS' students' parents and family members, community members, and other interested individuals must be scheduled with the appropriate school administrator. This policy does not apply to DORS' staff or to anyone who is properly on campus (e.g., Client Assistance Program clients at ICRP-R ESSE, visitors to the Heritage Cultural Center and parents and children at the Nursery School at ISD), but only while in an area appropriate to the purpose of the visit.
- b) When a visitor to a DORS' school arrives on campus, the visitor must proceed to the administration office to receive a visitor's permit.
- c) Visits must be of a duration and manner which is neither disruptive to ongoing programming nor of a threatening or argumentative nature.
- d) The superintendent of the school or designee shall terminate a visit, and may report the individual(s) responsible to the proper law enforcement agency, if an individual is:
- 1) in or about any school building or grounds without a valid visitor's permit; or
 - 2) engaged in disorderly conduct.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.150 Behavior Intervention

- a) Behavior intervention is a therapeutic measure which is to be used only to prevent a student from causing damage to property or physical harm to himself/herself or others. The following procedures shall be used, as part of a behavior modification or management program. In no event shall restraint be used to punish or discipline a student or as a convenience to staff.
- b) Behavior intervention may include physically holding, or otherwise restricting the movement of the student's limbs, head or body. No mechanical or chemical restraint shall be permitted. Medically prescribed or monitored procedures for the treatment of an existing physical condition or the amelioration of a physical disability, such as braces and other medical equipment, are not considered restraints. The partial or total immobilization of a student for the purpose of performing a medical/surgical procedure is not restraint.
- c) Procedures for the use of physical restraint at the DORS schools are as follows:
- 1) physical restraint shall be employed in a humane and therapeutic manner. In no event shall restraint be used when it is medically contraindicated (i.e., could adversely affect the health of the student);
 - 2) whenever physical restraint is used with a student whose

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- primary communication is sign language, writing, or computer, the student shall be permitted to have his/her hands free from restraint for brief periods, except when freedom may result in physical harm to the student or others. A staff member skilled in the student's mode of communication shall be in attendance when the student's hands are free.
- 3) the student must be released from restraint as soon as possible. The use of restraint shall not exceed thirty consecutive minutes.
 - 4) the person who initiates the restraint shall inform the supervisor as soon as possible and must submit a written detailed anecdotal report of the cause/conditions that called for the use of physical restraint. The report shall include the date, time, and location that the physical restraint took place. This report will be placed in the student's temporary records maintained by the school with a copy to be sent to the parent/guardian of the student and through the chain of command to the facility administrator.
 - d) All direct care staff shall be trained in behavior intervention techniques, including physical restraint, to prevent injury to the students. Documentation of training shall be maintained in the employee personnel files kept at each school. Employees that have not completed the training may not employ physical restraint.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 830.160 Profit on Sales from Commissary Stores

- a) Profit from the sales from commissary stores shall be deposited in a locally held fund and shall be used for the special comfort, pleasure and amusement of students and employees.
- b) The total amount spent on the special comfort, pleasure and amusement of employees shall not exceed the amount of profits derived from sales made to employees.
- c) The percentage of the profits made by sales to employees shall be determined by the percentage of employees there are to the total of the student and employee population of each school.
- d) These funds and the records pertaining to such receipts shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 830.170 Receipts from Athletic, Musical and Other Events

- a) The receipts from the sale of tickets to athletic, musical, and other

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

events shall be deposited in a locally held account. The amount of funds deposited into this account must not exceed \$10,000 per facility.

b) Receipts may be used to provide immediate payment to officials, judges and athletic referees for their services rendered at school sponsored contests or events. Documentation of payments received must be signed by the recipient and maintained.

c) Receipts may be used to provide students who are enrolled in an independent living program with cash so that they may fulfill course objectives by purchasing commodities and other required supplies. To be eligible for receipt of these funds a student must have little or no financial resources. Documentation of payments received must be signed by the recipient and maintained.

d) These funds and the records pertaining to such receipts shall be subject to audit by DORS' internal auditors and by the Auditor General of the State of Illinois.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 830.180 Transportation Fund

a) The DORS school shall collect from the home school district of each resident student the cost of providing transportation between the student's home and the school as provided in accordance with Section 14-7.02 of the School Code [195 ILCS 5/14-7.02], the rules of the State Board of Education (23 Ill. Adm. Code 226.960), and the student's Individual Education Program (IEP).

b) A student's home school district shall be charged for transporting a student home based on the following formula. The State shall be divided into eight concentric circles which are 50 mile wide bands with the center being Jacksonville, Illinois. Each concentric circle, beginning with the zone containing Jacksonville, Illinois, shall be numbered Zones 1 through 8. The circle number shall also act as the multiplier for determining the individual transportation cost for each student (i.e., Circle 1 shall have a multiplier of 1 compared to Circle 8 which shall have a multiplier of 8).

To determine the actual individual transportation cost for each student, the multipliers for all students who will be transported on the same bus will be added together and divided into the charge for the bus that will transport the students home. This will establish the base transportation cost. This base transportation cost will then be multiplied by the zone multiplier for the individual student to determine the actual transportation cost for the individual student which will be billed to the student's home district.

c) These funds shall be deposited in a locally held account and shall be used only for the transportation expenses of resident students.

d) This fund and its records shall be subject to audit by DORS' internal

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

auditors and by the Auditor General of the State of Illinois.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Exempt Conversation Procedures2) Code Citation: 20 Ill. Adm. Code 12963) Section Numbers: Proposed Action

1296.10	New Section
1296.20	New Section
1296.30	New Section
1296.40	New Section
1296.50	New Section
1296.60	New Section

4) Statutory Authority: Implementing and authorized by Section 14-3(g) of the Criminal Code [720 ILCS 5/14-3(g)] (P.A. 88-677, effective December 15, 1994) and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

5) A Complete Description of the Subjects and Issues Involved: These rules establish regulations related to use of interception and recording devices, retention of recordings, and related reports.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: The Department will consider any written submissions or comments received in writing within 45 days of the date of publication of this Notice. The submissions must be in writing and directed to:

James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
(217) 782-7658

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was included in the January 1995 regulatory agenda.

The full text of the Proposed Rules begins on the next page.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1296

EXEMPT CONVERSATION PROCEDURES

SUBPART A: PROMULGATION

Section

1296.10 Purpose

1296.20 Definitions

SUBPART B: OPERATIONS

Section

1296.30 Interception and Recording Standards

1296.40 Period of Time

1296.50 Documentation Requirements

1296.60 Specifications for Equipment

AUTHORITY: Implementing and authorized by Section 14-3(g) of the Criminal Code [720 ILCS 5/14-3(g)] (P.A. 88-677, effective December 15, 1994) and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

SUBPART A: PROMULGATION

Section 1296.10 Purpose

The purpose of this Part is to delineate regulations concerning the use of devices in the interception and recording of oral conversations, to adopt measures regarding the retention of tape recordings and reports made as a result of such interceptions, and establish documentation requirements with respect to such interceptions.

Section 1296.20 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in Section 14-1 of the Criminal Code [720 ILCS 5/14-1]. For purpose of this Part, the following additional definitions apply:

"Act" means Article 14 of the Criminal Code [720 ILCS 5/art. 14].

"Chief Law Enforcement Officer of the County" means the sheriff of said county.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

"Inventoried" means retained under the policies and procedures of the investigating law enforcement agency conducting the interception or recording; or, if no policy or procedure exists, the policies and procedures established by the Office of the Sheriff of the County in which the interception or recording occurred.

"Prior Notification" means written or verbal notice directed to the State's Attorney's Office informing the State's Attorney of a law enforcement agency's intention to use a listening or recording device pursuant to 720 ILCS 5/14-3(g). The notification shall be deemed to have occurred if delivered by hand; upon verbal communication; or upon faxing or transmitting by any electronic information system.

SUBPART B: OPERATIONS

Section 1296.30 Interception and Recording Standards

a) Interceptions or recordings made pursuant to 720 ILCS 5/14-3(g) of the Act shall be accomplished in a manner and with devices which shall provide the law enforcement agency conducting the interception or recording a method to monitor the safety and security of the consenting party during the conversation between the consenting party and the non-consenting party or parties to the conversation.

b) Any and all recordings of any interception or recording made pursuant to this Section shall be protected from editing or other alteration. The law enforcement officer conducting the interception shall designate the first recording from each device used as the "Original" tape for inventory and reporting purposes. Any duplicates or other recordings made from the "Original" recordings shall be designated "Duplicates" for inventory and reporting purposes. Both the "Original" and "Duplicate" recordings shall be inventoried with the original signed written record. Access to any "Original" recording, "Duplicate" recording, or inventoried original written record shall be logged as to the date, time, and identity of the person inspecting, removing, or returning any specified items.

c) The Chief Law Enforcement Officer of the County shall direct that any law enforcement agency that intercepts or records any conversation in said county pursuant to 720 ILCS 5/14-3(g) will either deliver both the written record of the interception or recording and any and all recordings of the interception or recording to the Office of the Sheriff, or retain said written record and recording as evidence within the law enforcement agency. In no event shall the Sheriff deny a request by a law enforcement agency to retain the written record or recordings of interceptions made pursuant to 720 ILCS 5/14-3(g).

Section 1296.40 Period of Time

Prior notification issued under 720 ILCS 5/14-3(g) shall authorize a law

DEPARTMENT OF STATE POLICE
NOTICE OF PROPOSED RULES

inventoried and shall be maintained where the Chief Law Enforcement Officer of the County in which the interception or recording occurred directs. The written records of the interception or recording conducted under 720 ILCS 5/14-3(g) shall not be destroyed except upon an order of a court of competent jurisdiction and in any event shall be kept for ten years.

- e) Notice of Interception or Recording
Within a reasonable time, but not later than sixty days after the termination of the investigation for which the interception or recording was conducted, or immediately upon the initiation of criminal proceedings, the law enforcement agency conducting the investigation shall serve on the person who was the subject of an interception or recording under 720 ILCS 5/14-3(g), an inventory that shall include:

- 1) Notice that the person was the subject of the interception or recording;
 - 2) Notice of any interception or recording if the defendant was arrested or indicted or otherwise charged as a result of the interception of his or her private oral communication;
 - 3) The date of the interception or recording;
 - 4) The period of interception or recording; and
 - 5) Notice of any interception or recording devices used.
- f) A prior notification or notice of interception or recording required under the Act shall not be deemed defective nor shall any interception or recording related to said notification or notice be quashed or abated because of technical irregularities not affecting the substantial rights of any person who has been the subject of an interception or recording pursuant to 720 ILCS 5/14-3(g).

Section 1296.60 Specifications for Equipment

- a) Audio recording tapes shall be virgin standard audio recording cassettes.
- b) The audio recording equipment shall be of a type and quality sufficient to ensure adequate collection and protection of its recording from editing or alteration.

DEPARTMENT OF STATE POLICE
NOTICE OF PROPOSED RULES

enforcement agency to use any device for the interception or recording during the time period specified in the prior notification, not to exceed ten days, or for ten days from the date and time the initial prior notification was issued if no interception time period is stated in the prior notification. If the continuing use of a device is required beyond the specified interception period in the initial prior notification or shall exceed ten days if no time period was specified, the law enforcement agency shall issue subsequent notifications to the State's Attorney extending the interception or recording time period in accordance with the prior notification procedures established under the Act.

Section 1296.50 Documentation Requirements

- a) Prior Notification
Prior to the initiation of any period of interception or recording pursuant to 720 ILCS 5/14-3(g), the law enforcement agency shall provide the State's Attorney, in the county in which said recording or listening will occur, prior notification.

- b) A copy of all written prior notification to the State's Attorney shall be maintained by the submitting police agency. Verbal prior notifications to the State's Attorney shall be documented in writing and submitted to the State's Attorney within 24 hours of the verbal notification and a copy shall be retained by the submitting police agency in the same manner as written prior notifications. The prior notification shall contain the following information:

- 1) The nature of the notice;
- 2) The agency providing notice;
- 3) The name of the individual providing notice;
- 4) The name and phone number of an agency contact;
- 5) The agency case number;
- 6) The date and time notice was issued;
- 7) Information on how the notice was issued;
- 8) The nature of the offense being investigated;
- 9) The time period for which the notice shall apply; and
- 10) The fact there is a consenting party to the conversation.

- c) Written Record of Interception
A signed written record shall be completed by the intercepting or recording law enforcement officer. The signed written record shall include:

- 1) The day and hours of interception or recording;
 - 2) The time and duration of each intercepted communication;
 - 3) The parties, if known, to each intercepted communication;
 - 4) A summary of the contents of each intercepted or recorded communication;
 - 5) The make, model, and serial number of all interception and recording equipment used to intercept or record; and
 - 6) The signature of the intercepting officer.
- d) Both the written record of the interception or recording and any and all recordings of the interception or recording shall immediately be

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5200
- 3) Section Numbers: Adopted Action:
5200.APP. A Amendment
- 4) Statutory Authority: Implementing Section 4.01 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01]].
- 5) Effective Date of Rulemaking: May 23, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 23, 1995
- 9) Notice of Proposal Published in Illinois Register: Not Applicable
- 10) Has JCAR issued a Statement of Objections to these rules? Not Applicable
- 11) Difference(s) between proposal and final version: Not Applicable
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not Applicable
- 13) Will this rulemaking replace an emergency rule currently in effect? Not Applicable
- 14) Are there any amendments pending on this Part? Not Applicable
- 15) Summary and Purpose of Rulemaking: Section 5200.App. A is being amended to clarify and specify the powers, duties and obligations of the Chairman and the Vice Chairman which will assist the Chairman and the Vice Chairman to carry out their functions and allow them to avoid ministerial, administrative or non-substantive matters.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Thomas P. Conley
Executive Director
Illinois Educational Facilities Authority
333 West Wacker Drive, Suite 2600

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Chicago, Illinois 60606
(312) 781-6633

The full text of the Adopted Amendment begins on the next page:

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section 5200.APPENDIX A By Laws of the Illinois Educational Facilities Authority

CHAPTER IX: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES

PART 5200

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section 5200.10 Public Information and Submissions

SUBPART B: RULEMAKING

Section 5200.100 Applicability of Rulemaking Rules
5200.110 Adoption, Amendment and Repeal of Rules
5200.120 Compliance with the Illinois Administrative Procedure Act

SUBPART C: ORGANIZATION

Section 5200.200 Authority to Make Rules
5200.210 Applicability of General Rules
5200.220 Definitions
5200.230 Organization of the Authority
5200.240 Meetings of the Authority

APPENDIX A By-Laws of the Illinois Educational Facilities Authority

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10] and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act (110 ILCS 1015/5.01).

SOURCE: By-Laws of the Illinois Educational Facilities Authority adopted July 8, 1971; codified at 8 Ill. Reg. 12890; amended at 8 Ill. Reg. 16294, effective August 23, 1984; amended at 9 Ill. Reg. 11816, effective July 23, 1985; amended at 10 Ill. Reg. 13619, effective August 4, 1986; amended at 13 Ill. Reg. 7902, effective May 15, 1989; amended at 19 Ill. Reg. **7335**, effective **MAY 23 1995**.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section 5200.APPENDIX A By Laws of the Illinois Educational Facilities Authority

ARTICLE I

Name, Principal Office and Seal

Section 1. Name. The name of this Authority, a public body politic and corporate, shall be Illinois Educational Facilities Authority, as provided in Chapter 144, Section 1301 et seq., of the Illinois Revised Statutes.

Section 2. Principal Office. The principal office of the Authority shall be located at the City of Chicago, County of Cook, State of Illinois.

Section 3. Seal. The corporate seal of the Authority shall be a circular disk having inscribed around the periphery thereof the words "ILLINOIS Educational Facilities Authority," and in the center, the word "Seal".

ARTICLE II

Membership

Section 1. Membership of the Authority. The Authority shall consist of 7 members, to be appointed by the governor, who shall be residents of the State, not more than 4 of whom shall be members of the same political party. At least one of the members shall be a trustee, director, officer or employee of an institution for higher education. At least one shall be a person having a favorable reputation for skill, knowledge and experience in the field of state and municipal finance, either as a partner, officer or employee of an investment banking firm which originates and purchases state and municipal securities, as an investment and to the management and control of a state and municipal securities portfolio. At least one shall be a person experienced in and having a favorable reputation for skill, knowledge and experience in the educational building construction field.

Section 2. Residence of Appointive Members. All appointive members of said Authority shall be residents of the State of Illinois.

Section 3. Terms of Office. The initial terms of the members shall be as provided by statute and the designations in their respective appointments; thereafter the terms of members who succeed those whose terms have expired shall be seven (7) years.

Section 4. Vacancies and Reappointment. Any person appointed to fill a vacancy on said Authority shall serve for the unexpired term of his predecessor. All members shall be eligible for reappointment.

Section 5. Removal. Any member of the Authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty or other cause after notice and a public hearing unless such notice and hearing shall be

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

expressly waived in writing.

Section 6. Powers. The members of the Authority shall possess and exercise all of the powers granted in the Act of 1969, Chapter 144, Section 1301 et seq., as the same has been or hereafter may be amended, and by all other laws consistent with said Act as may be necessary to effectuate the purpose of said Act.

ARTICLE III

Officers of the Authority

Section 1. Chairman. The Chairman of the Authority shall be elected annually by the members of the Authority, and shall preside at all meetings of the Authority and perform such other duties as shall be necessary or desirable by reason of his position as Chairman, or as may be directed by resolution of the Authority, duly adopted by a majority of its members, at a meeting held pursuant to these By-laws.

Section 2. Vice Chairman. A Vice Chairman shall be elected annually by the members and shall perform all duties incumbent upon the Chairman during the absence or disability of the latter, and shall perform such other duties as shall be deemed desirable by resolution of the Authority, duly adopted by a majority of its members, at a meeting held pursuant to these By-laws.

Section 3. Powers of Chairman and Vice Chairman. When requested by an Institution which has received financial assistance from the Authority (an "Institution"), the Chairman or Vice Chairman of the Authority shall have the power to approve, consent to and/or waive on behalf of the Authority ministerial, administrative or other non-substantive matters relating to bonds of the Authority or any documents related thereto ("Financing Documents"); provided, however, that (i) written notice of the intent to take any such action shall have been given to the other Members of the Authority by letter or telefax at least two (2) business days prior to the taking of the proposed action and (ii) general counsel to the Authority, bond counsel to the Authority and the financial advisor to the Authority shall have concurred in such officer's determination that the action to be taken is ministerial, administrative or otherwise non-substantive in nature. Written notice of the taking of such action shall be given to the other Members of the Authority at the next meeting of the Authority or within 60 days after such action is taken, whichever occurs earlier. Notwithstanding the foregoing provisions of this Section 3, the Chairman or Vice Chairman of the Authority may each, in his or her own discretion, decline to approve, consent to and/or waive any such ministerial, administrative or non-substantive matter on behalf of the Authority and may instead defer such matter to a meeting of the Authority for its consideration.

The following types of matters relating to bonds of the Authority or Financing Documents are generally considered to be ministerial, administrative or otherwise non-substantive in nature: (i) the approval of a renewal, or of an extension of the scheduled expiration date, of an existing credit and/or

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

liquidity facility that supports Authority bonds without any substantive changes to any related Financing Documents, (ii) the approval of an Institution's replacement of a current credit and/or liquidity facility involving a new bank or other financial institution when such new facility will not result in a decline or withdrawal of any rating on such bonds and no substantive amendments will be made to any related Financing Documents, (iii) the approval of an amendment to a document between an Institution and a bank or other financial institution providing a credit and/or liquidity facility for Authority bonds where the Authority is not a party to such document and the Authority's interests are not adversely affected by such amendment, (iv) the approval of an Institution's replacement of a professional or financial firm or institution previously approved by the Authority which performs services regulated by Financing documents with another firm or institution which has comparable knowledge, experience and capability to that of the firm or institution being replaced, (v) approving an Institution's selection of a professional or financial firm or institution to perform services regulated by Financing Documents where no such firm or institution has been previously approved by the Authority for such purpose, if such firm or institution reasonably appears to have sufficient knowledge, experience and capability to perform such services, (vi) the approval of an amendment to a remarketing agreement relating to Authority bonds where the Authority's interests are not adversely affected by such amendment, (vii) the approval of the substitution of new collateral of equal or greater value for existing collateral securing Authority bonds, (viii) the approval of an escrow restructuring when moneys made available from the restructuring are either (a) to be applied to finance costs of projects previously approved by the Authority, (b) to be held by the bond trustee or other escrow agent to be disbursed for projects which the Authority may thereafter approve or (c) to be applied to pay principal of or interest on bonds of the Authority, (ix) the waiver of all or a portion of the number of days prior notice that an Institution is required to give the Authority of various events, including the prepayment of its note or the conversion of the interest rate mode on variable rate bonds to another interest rate mode, (x) the approval of the execution of documentation to effect the defeasance of Authority bonds in accordance with the provisions of the related Financing Documents and (xi) the approval of a supplement or amendment to, or a restatement of, an official statement or other offering document relating to Authority bonds where such approval by the Chairman or Vice Chairman is limited to information contained in such supplement, amendment or restatement specifically describing the Authority, its membership and organization, its powers, its outstanding bonds, its advisors or litigation involving the Authority.

ARTICLE IV
Meetings

Section 1. Annual Meetings. The annual meeting of the Authority shall be held in the City of Chicago, Cook County, Illinois, or such other place in the State of Illinois as may be designated by the Chairman of the Authority, at

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

business in the State as surety, shall be approved by the attorney general and shall be filed in the office of the Secretary of State. The cost of each such bond shall be paid by the Authority.

ARTICLE VI
Administration

Section 1. Annual Audit and Accounting Procedure. The Authority may cause an audit of its books to be made at least once each year by an independent certified public accountant and the cost thereof shall be treated as a part of the administrative costs of the Authority.

Section 2. Documents. The Executive Director or Assistant Executive Director or other person designated by resolution of the Authority shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority, the minute book or journal of the Authority, and its official seal. Said Executive Director or Assistant Executive Director or other person may cause copies to be made of all minutes and other records and documents of the Authority and may give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

Section 3. Execution of Documents. All contracts and agreements entered into by the Authority shall, unless the members by resolution otherwise direct, be executed on behalf of the Authority by the Chairman or Vice Chairman.

Nothing in these By-laws shall be deemed to limit in any manner the right of the members by resolution adopted at a meeting to designate other or different officers to execute a specified document or documents at any time.

Nothing in these By-laws shall be deemed to prohibit the use of facsimile signature where compliance has been had with the Uniform Facsimile Signature of Public Officials Act of the State of Illinois.

Section 4. Fiscal Year. The Authority shall operate on a fiscal year basis beginning July 1 of each year and ending June 30 of the next succeeding year.

Section 5. Payments. All bills, notes, checks or other instruments for the payment of money shall be signed and countersigned by such officers and in such manner as may be prescribed by resolution of the members.

Section 6. Authority Action. Any action taken by the Authority under this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall, unless otherwise provided therein, take effect immediately and need not be published or posted.

Section 7. Federal Social Security Act. The Authority may take such

2:00 o'clock P.M., on the first Friday of each October in each year; provided, however, that said annual meeting may be held on any other day of such month if all the members of the Authority consent to such other date.

Section 2. Regular Meetings. Regular meetings of the Authority shall be held at the principal office of the Authority on the first Thursday of each month at such time as is designated by the Chairman, subject to change of date if all members consent.

Section 3. Special Meetings. A special meeting of the Authority may be held upon call by the Chairman or any four (4) members of the Authority at least forty-eight (48) hours' notice to each member of the Authority. Such notice shall specify the time and place and general purpose of the meeting and shall be given to each member, either personally or by telegram or by mail (if by mail, notice shall be deemed adequate if deposited in the U.S. mail 96 hours or more before the meeting); provided, however, that at any meeting at which all of the members of the Authority are present, notice of the time and place and purpose of the meeting shall be deemed waived.

Section 4. Quorum. Four members of the Authority shall constitute a quorum. A majority vote of the members of the Authority shall be necessary for any action taken by the Authority. A vacancy in the membership of the Authority shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

ARTICLE V
Administrative Personnel

Section 1. Executive Director. The Authority may employ an Executive Director and Assistant Executive Director upon such terms and conditions as the Authority shall deem proper. The Executive Director shall have general and active supervision, control and management of the affairs and business of the Authority, subject to the orders, resolutions of the Authority, and supervision of the Chairman; he shall have general supervision and direction of all agents and employees of the Authority and shall see that all orders and resolutions of the Authority are carried into effect.

Section 2. Other Personnel. The Authority may employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and fix their compensation.

Section 3. Bond. Before the issuance of any revenue bonds under this Act, the Chairman, Vice Chairman, Executive Director and Assistant Executive Director and any other member of the Authority authorized by resolution of the Authority to handle funds or sign checks of the Authority shall execute a surety bond in the penal sum of \$100,000. Each such surety bond shall be conditioned upon the faithful performance of the duties of the office of the principal, shall be executed by a surety company authorized to transact

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

action as it deems appropriate to enable its employees to come within the provisions and obtain the benefits of the Federal Social Security Act. If the employees of the Authority shall come within the provisions of said Social Security Act, their employment shall be included in the term "employment" as used in applicable laws of the State and shall apply to the Authority to the same extent and in the same manner as they are applicable to the State.

Section 8. Agent. The Executive Director, 333 West Wacker Drive, Chicago, Illinois, shall be, for all purposes, the agent of the Illinois Educational Facilities Authority upon whom any process, notice, or demand required or permitted by law to be served upon the Illinois Educational Facilities Authority may be served.

ARTICLE VII
Reports

Section 1. Annual Report. The Authority shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually in the month of January make a report thereof to its members, to the Governor and to the State Auditor of Public Accounts, such reports to be in a form prescribed by the members, with the written approval of the Auditor of Public Accounts.

ARTICLE VIII
Amendment

These By-laws may be amended by the affirmative vote of at least a majority of the members of the Authority at any regular meeting, provided ten (10) days' previous written notice of the proposed amendment has been given to all members. Such notice may, however, be waived if all members are present and if unanimous consent is given to the adoption of the amendment.

(Source: Amended at 19 Ill. Reg. 7335, effective
MAY 23 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Number: Adopted Action:

211.695 New
211.696 New
211.5245 New
211.6025 New

4) Statutory Authority: 415 ILCS 5/27

5) Effective Date of Rule(s) (Amendments, Repealer): May 22, 1995

6) Does this rulemaking contain an automatic repeal date?: No

7) Does this rule (amendment, repealer) contain incorporation by reference?
No. No approval from JCAR was necessary as all the incorporations are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: May 4, 1995

9) Notice(s) of Proposal Published in Illinois Register:

18 Ill. Reg. 17808, December 16, 1994:

211.695 New
211.696 New
211.5245 New
211.6025 New

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No

11) Difference(s) between proposal and final version:

1. In Sections 211.695, 211.696, 211.5245, and 211.6025, changed "35 Ill. Adm. Code Parts 218 and 219" to "35 Ill. Adm. Code 218 and 219".

2. Updated Source Note.

3. Added the following Sections to the Table of Contents:

211.240	Adhesion Promoter
211.474	Alcohol
211.495	Anti-Glare/Safety Coating
211.660	Automotive/Transportation Plastic Parts
211.680	Bakery Oven

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.685 Basecoat/Clearcoat System
 211.820 Business Machine Plastic Parts
 211.980 Chemical Manufacturing Process Unit
 211.1780 Distillation Unit
 211.1875 Elastomeric Materials
 211.1980 Electromagnetic Interference/Radio Frequency (EMI/RFI)
 211.1900 Electrostatic Prep Coat
 211.2290 Fermentation
 211.2300 Fill
 211.2360 Flexible Coating
 211.2365 Flexible Operation Unit
 211.2630 Gloss Reducers
 211.3695 Maximum True Vapor Pressure
 211.3915 Mobile Equipment
 211.3960 Motor Vehicles
 211.3965 Motor Vehicle Refinishing
 211.4055 Non-Flexible Coating
 211.4065 Non-Heatset
 211.4740 Plastic Part
 211.5010 Precoat
 211.5061 Pretreatment Wash Primer
 211.5065 Primary Product
 211.5080 Primer Sealer
 211.5480 Reflective Argent Coating
 211.5600 Resist Coat
 211.5980 Sheet-Fed
 211.6060 Soft Coat
 211.6140 Specialty Coatings
 211.6145 Specialty Coatings for Motor Vehicles
 211.6400 Stencil Coat
 211.6540 Surface Preparation Materials
 211.6580 Texture Coat
 211.6620 Three or Four Stage Coating System
 211.6695 Topcoat System
 211.6720 Touch-Up Coating
 211.6860 Uniform Finish Blender
 211.6880 Vacuum Metallizing
 211.7400 Yeast Percentage

4. Corrected various grammatical errors.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): This fast-track rulemaking represents Part VII of the rules to be adopted in the State's 15th ROP. This rulemaking provides for control of VOC emissions from chemical processes operating in a batch or non-continuous mode located in the Chicago and Metro-East ozone nonattainment areas. Sources that are intended to be covered are all batch operations at sources identified by specific standard industrial classifications (SIC) codes as specifically outlined in the rule. A complete description of this Section 28.5 rulemaking is included in the Board's May 4, 1995 opinion and order in docket R94-33, which is available from Audrey Lozuk-Lawless at the address below.

16) Information and questions regarding this adopted rule shall be directed to:

Audrey Lozuk-Lawless
 100 W. Randolph Street
 State of Illinois Center
 Suite 11-500
 Chicago, IL 60601
 (312) 814-6923 or (815) 753-9947

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to Docket number R94-33 in your request.

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

211.101 Incorporations by Reference

211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

211.121 Other Definitions

211.122 Definitions (Repealed)

211.130 Accelacota

211.150 Accumulator

211.170 Acid Gases

211.210 Actual Heat Input

211.230 Adhesive

211.240 Adhesion Promoter

211.250 Aeration

211.270 Aerosol Can Filling Line

211.310 Afterburner

211.330 Air Contaminant

211.350 Air Dried Coatings

211.370 Air Oxidation Process

211.390 Air Pollutant

211.410 Air Pollution

211.430 Air Pollution Control Equipment

211.450 Air Suspension Coater/Dryer

211.470 Airless Spray

211.474 Alcohol

211.490 Annual Grain Through-Put

211.495 Anti-Glare Safety Coating

211.510 Application Area

211.530 Architectural Coating

211.550 As Applied

211.560 As-Applied Fountain Solution

211.570 Asphalt

211.590 Asphalt Prime Coat

211.610 Automobile

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.630

Automobile or Light-Duty Truck Assembly
Light-Duty Truck Manufacturing Plant

211.650

Automobile or Light-Duty Truck Refinishing

211.660

Automotive/Transportation Plastic Parts

211.670

Baked Coatings

211.680

Bakery Oven

211.685

Basecoat/Clearcoat System

211.690

Batch Loading

211.695

Batch Operation

211.696

Batch Process Train

211.710

Bead-Dipping

211.730

Binders

211.750

British Thermal Unit

211.770

Brush or Wipe Coating

211.790

Bulk Gasoline Plant

211.810

Bulk Gasoline Terminal

211.820

Business Machine Plastic Parts

211.830

Can

211.850

Can Coating

211.870

Can Coating Line

211.890

Capture

211.910

Capture Device

211.930

Capture Efficiency

211.950

Capture System

211.970

Certified Investigation

211.980

Chemical Manufacturing Process Unit

211.990

Choke Loading

211.1010

Clean Air Act

211.1050

Cleaning and Separating Operation

211.1070

Cleaning Materials

211.1090

Clear Coating

211.1110

Clear Topcoat

211.1130

Closed Purged System

211.1150

Closed Vent System

211.1170

Coal Refuse

211.1190

Coating

211.1210

Coating Applicator

211.1230

Coating Line

211.1250

Coating Plant

211.1270

Coil Coating

211.1290

Coil Coating Line

211.1310

Cold Cleaning

211.1330

Complete Combustion

211.1350

Component

211.1370

Concrete Curing Compounds

211.1390

Concentrated Nitric Acid Manufacturing Process

211.1410

Condensate

211.1430

Condensible PM-10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1470	Continuous Process	
211.1490	Control Device	
211.1510	Control Device Efficiency	
211.1530	Conventional Soybean Crushing Source	
211.1550	Conveyorized Degreasing	
211.1570	Crude Oil	
211.1590	Crude Oil Gathering	
211.1610	Crushing	
211.1630	Custody Transfer	
211.1650	Cutback Asphalt	
211.1670	Daily-Weighted Average VOM Content	
211.1690	Day	
211.1710	Degreaser	
211.1730	Delivery Vessel	
211.1750	Dip Coating	
211.1770	Distillate Fuel Oil	
211.1780	Distillation Unit	
211.1790	Drum	
211.1810	Dry Cleaning Operation or Dry Cleaning Facility	
211.1830	Dump-Pit Area	
211.1850	Effective Grate Area	
211.1870	Effluent Water Separator	
211.1875	Elastomeric Materials	
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding	
	Coatings	
211.1890	Electrostatic Bell or Disc Spray	
211.1900	Electrostatic Prep Coat	
211.1910	Electrostatic Spray	
211.1920	Emergency or Standby Unit	
211.1930	Emission Rate	
211.1950	Emission Unit	
211.1970	Enamel	
211.1990	Enclose	
211.2010	End Sealing Compound Coat	
211.2030	Enhanced Under-the-Cup Fill	
211.2050	Ethanol Blend Gasoline	
211.2070	Excess Air	
211.2090	Excessive Release	
211.2110	Existing Grain-Drying Operation	
211.2130	Existing Grain-Handling Operation	
211.2150	Exterior Base Coat	
211.2170	Exterior End Coat	
211.2190	External Floating Roof	
211.2210	Extreme Performance Coating	
211.2230	Fabric Coating	
211.2250	Fabric Coating Line	
211.2270	Federally Enforceable Limitations and Conditions	
211.2290	Fermentation	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2300	Fill	
211.2310	Final Repair Coat	
211.2330	Firebox	
211.2350	Fixed-Roof Tank	
211.2360	Flexible Coating	
211.2365	Flexible Operation Unit	
211.2370	Flexographic Printing	
211.2390	Flexographic Printing Line	
211.2410	Floating Roof	
211.2430	Fountain Solution	
211.2450	Freeboard Height	
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source	
211.2490	Fugitive Particulate Matter	
211.2510	Full Operating Flowrate	
211.2530	Gas Service	
211.2550	Gas/Gas Method	
211.2570	Gasoline	
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility	
211.2610	Gel Coat	
211.2630	Gloss Reducers	
211.2650	Grain	
211.2670	Grain-Drying Operation	
211.2690	Grain-Handling and Conditioning Operation	
211.2710	Grain-Handling Operation	
211.2730	Green-Tire Spraying	
211.2750	Green Tires	
211.2770	Gross Heating Value	
211.2790	Gross Vehicle Weight Rating	
211.2810	Heated Airless Spray	
211.2830	Heatset	
211.2850	Heatset Web Offset Lithographic Printing Line	
211.2870	Heavy Liquid	
211.2890	Heavy Metals	
211.2910	Heavy Off-Highway Vehicle Products	
211.2930	Heavy Off-Highway Vehicle Products Coating	
211.2950	Heavy Off-Highway Vehicle Products Coating Line	
211.2970	High Temperature Aluminum Coating	
211.2990	High Volume Low Pressure (HVLP) Spray	
211.3010	Hood	
211.3030	Hot Well	
211.3050	Housekeeping Practices	
211.3070	Incinerator	
211.3090	Indirect Heat Transfer	
211.3110	Ink	
211.3130	In-Process Tank	
211.3150	In-Situ Sampling Systems	
211.3170	Interior Body Spray Coat	
211.3190	Internal Filtration	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.3210 Internal Transferring Area
 211.3230 Lacquers
 211.3250 Large Appliance
 211.3270 Large Appliance Coating
 211.3290 Large Appliance Coating Line
 211.3310 Light Liquid
 211.3330 Light-Duty Truck
 211.3350 Light Oil
 211.3370 Liquid/Gas Method
 211.3390 Liquid-Mounted Seal
 211.3410 Liquid Service
 211.3430 Liquids Dripping
 211.3450 Lithographic Printing Line
 211.3470 Load-Out Area
 211.3480 Loading Event
 211.3490 Low Solvent Coating
 211.3500 Lubricating Oil
 211.3510 Magnet Wire
 211.3530 Magnet Wire Coating
 211.3550 Magnet Wire Coating Line
 211.3570 Major Dump Pit
 211.3590 Major Metropolitan Area (MMA)
 211.3610 Major Population Area (MPA)
 211.3620 Manually Operated Equipment
 211.3630 Manufacturing Process
 211.3650 Marine Terminal
 211.3660 Marine Vessel
 211.3670 Material Recovery Section
 211.3690 Maximum Theoretical Emissions
 211.3695 Maximum True Vapor Pressure
 211.3710 Metal Furniture
 211.3730 Metal Furniture Coating
 211.3750 Metal Furniture Coating Line
 211.3770 Metallic Shoe-Type Seal
 211.3790 Miscellaneous Fabricated Product Manufacturing Process
 211.3810 Miscellaneous Formulation Manufacturing Process
 211.3830 Miscellaneous Metal Parts and Products
 211.3850 Miscellaneous Metal Parts and Products Coating
 211.3870 Miscellaneous Metal Parts or Products Coating Line
 211.3890 Miscellaneous Organic Chemical Manufacturing Process
 211.3910 Mixing Operation
 211.3915 Mobile Equipment
 211.3930 Monitor
 211.3950 Monomer
 211.3960 Motor Vehicles
 211.3965 Motor Vehicle Refinishing
 211.3970 Multiple Package Coating
 211.3990 New Grain-Drying Operation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4010 New Grain-Handling Operation
 211.4030 No Detectable Volatile Organic Material Emissions
 211.4050 Non-Contact Process Water Cooling Tower
 211.4055 Non-Flexible Coating
 211.4065 Non-Heatset
 211.4070 Offset
 211.4090 One Hundred Percent Acid
 211.4110 One-Turn Storage Space
 211.4130 Opacity
 211.4150 Opaque Stains
 211.4170 Open Top Vapor Degreasing
 211.4190 Open-Ended Valve
 211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
 211.4230 Organic Compound
 211.4250 Organic Material and Organic Materials
 211.4260 Organic Solvent
 211.4270 Organic Vapor
 211.4290 Oven
 211.4310 Overall Control
 211.4330 Overvarnish
 211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
 211.4370 Owner or Operator
 211.4390 Packaging Rotogravure Printing
 211.4410 Packaging Rotogravure Printing Line
 211.4430 Pail
 211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
 211.4470 Paper Coating
 211.4490 Paper Coating Line
 211.4510 Particulate Matter
 211.4530 Parts Per Million (Volume) or PPM (Vol.)
 211.4550 Person
 211.4590 Petroleum
 211.4610 Petroleum Liquid
 211.4630 Petroleum Refinery
 211.4650 Pharmaceutical
 211.4670 Pharmaceutical Coating Operation
 211.4690 Photochemically Reactive Material
 211.4710 Pigmented Coatings
 211.4730 Plant
 211.4740 Plastic Part
 211.4750 Plasticizers
 211.4770 PM-10
 211.4790 Pneumatic Rubber Tire Manufacture
 211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
 211.4830 Polyester Resin Material(s)
 211.4850 Polyester Resin Products Manufacturing Process

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argon Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flame
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cable Foot (set)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Storage Tank
211.6390	Stationary Source
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Deodorization Unit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material Content (VOM)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A	Rule into Section Table
APPENDIX B	Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective MAY 22 1995.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: DEFINITIONS

Section 211.695 Batch Operation

"Batch operation" means, for purposes of 35 Ill. Adm. Code 218 and 219, Sections 218.500 through 218.506 and 219.500 through 219.506, a noncontinuous operation in which a discrete quantity or batch of feed is charged into a chemical manufacturing process unit and distilled or reacted, or otherwise used at one time, and may include, but is not limited to, reactors, filters, dryers, distillation columns, extractors, crystallizers, blend tanks, neutralizer tanks, digesters, surge tanks and product separators. After each batch operation, the equipment is generally emptied before a fresh batch is started.

(Source: Added 19 Ill. Reg. 7344, effective MAY 22 1995)

Section 211.696 Batch Process Train

"Batch process train" means, for purposes of 35 Ill. Adm. Code 218 and 219, Sections 218.500 through 218.506 and 219.500 through 219.506, the collection of equipment (e.g., reactors, filters, dryers, distillation columns, extractors, crystallizers, blend tanks, neutralizer tanks, digesters, surge tanks and product separators) configured to produce a specific product or intermediate by a batch operation. A batch process train terminates at the point of storage or product handling of the product or intermediate being produced in the batch process train. Irrespective of the product being produced, a batch process train which is independent of other processes shall be considered a single batch process train for purposes of 35 Ill. Adm. Code 218 and 219.

(Source: Added 19 Ill. Reg. 7344, effective MAY 22 1995)

Section 211.5245 Process Vent

"Process vent" means, for purposes of 35 Ill. Adm. Code 218 and 219, Sections 218.500 through 219.506 and 219.500 through 219.506, any non-fugitive source of VOC emissions to the atmosphere resulting from non-combustion emission units. A process vent begins at the inlet to the control device, or in the absence of a control device, at the point of discharge to the atmosphere. This includes all emission units vents and stacks. Not included in this definition are exhaust streams from exhaust hoods and building ventilation fans which are used to provide ventilation for workers and not to collect and discharge emissions from specific emission units.

(Source: Added at 19 Ill. Reg. 7344, effective MAY 22 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 211.6025 Single Unit Operation

"Single unit operation" means, for purposes of 35 Ill. Adm. Code 218 and 219, Sections 218.500 through 218.506 and 219.500 through 219.506, a distinct piece of equipment in a batch operation within which one or more discrete processing steps occur. Such discrete processing steps include, but are not limited to, the preparation of reactants, facilitation of reactions, separation and purification of products or intermediates, and recycling of materials.

(Source: Added 19 Ill. Reg. 7344, effective MAY 22 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

- 2) Code Citation: 35 Ill. Adm. Code 218

- 3) Section Numbers: Adopted Action:

218.500	New
218.501	New
218.502	New
218.503	New
218.504	New
218.505	New
218.506	New

- 4) Statutory Authority: 415 ILCS 5/27

- 5) Effective Date of Rulemaking: May 22, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No. No approval from JCAR was necessary as all the incorporations are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

- 8) Date Filed in Agency's Principal Office: May 4, 1995

- 9) Notice of Proposal Published in Illinois Register:

18 Ill. Reg. 17823, December 16, 1994:

218.500	New
218.501	New
218.502	New
218.503	New
218.504	New
218.505	New
218.506	New

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

Added the following Sections to the Table of Contents:

218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.214	Changing Compliance Methods
218.405	Lithographic Printing: Applicability
218.406	Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
218.407	Emission Limitations and Control Requirements for Lithographic Printing Lines on and After March 15, 1996
218.408	Compliance Schedule for Lithographic Printing on and After March 15, 1996
218.409	Testing for Lithographic Printing on and After March 15, 1996
218.410	Monitoring Requirements for Lithographic Printing
218.411	Recordkeeping and Reporting for Lithographic Printing
218.431	Applicability
218.432	Control Requirements
218.433	Performance and Testing Requirements
218.434	Monitoring Requirements
218.435	Recordkeeping and Reporting Requirements
218.436	Compliance Date

SUBPART FF: BAKERY OVENS

Section	Applicability
218.720	Control Requirements
218.726	Testing
218.727	Monitoring
218.728	Recordkeeping and Reporting
218.729	Compliance Date
218.730	Certification

SUBPART HH: MOTOR VEHICLE REFINISHING

Section	Emission Limitations
218.780	Alternative Control Requirements
218.781	Equipment Specifications
218.786	Surface Preparation Materials
218.787	Work Practices
218.788	Testing
218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting
218.791	Compliance Date
218.792	Registration

In Subpart Q, deleted "LEAKS FROM".

Added to Appendix:

APPENDIX G: TRE Index Measurements for SOCM Reactors and Distillation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Units

APPENDIX H: Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

1. In Section 218.502(b)(1), changed "35 Ill. Adm. Code Part 218" to "35 Ill. Adm. Code 218".
2. In Section 218.502(a)(2), changed "multiplied by" to "using either".
3. In Section 218.502(a)(2), after "year" added "or total production as represented in the source's operating permit".
4. In Section 218.503(f)(3)(A), after "run" added "shall be as follows: "
5. In Section 218.503(f)(3)(A), deleted "will be the entire length of the batch cycle in which readings shall be taken continuously, if Method 25A is used, or as often as is possible using Method 18, with a maximum of 15-minute intervals between measurements throughout the batch cycle."
6. After Section 218.503(f)(3)(A) added:

"1) For batch cycles less than eight hours in length, readings shall be taken continuously over the entire length of the batch cycle with a maximum of 15-minute intervals between measurements if using Method 25A. If using Method 18, readings shall be taken continuously with a maximum of 15-minute intervals between measurements throughout the batch cycle unless it becomes necessary to change the impinger train, in which case a 30-minute interval shall not be exceeded.

1) For batch cycles of eight hours and greater in length, the owner or operator may either test in accordance with the test procedures defined in subsection (f)(3)(A)(i) of this Section or the owner or operator may elect to perform tests, pursuant to either Method 25A or Method 18, only during those portions of each emission event which define the emission profile of each emission event occurring within the batch cycle. For each emission event of less than four hours in duration, the owner or operator shall test continuously over the entire emission event as set forth in Subsection (f)(3)(A)(i) of this Section. For each emission event of greater than four hours in duration, the owner or operator shall elect either to perform a minimum of three one hour test runs during the emission event or shall test continuously over the entire emission event within each single unit operation in the batch process train. To demonstrate that the portion of the emission event to be tested define the emission profile for the emission event, the owner or operator

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

electing to rely on this option shall develop an emission profile for the entire emission event. Such emission profile shall be based upon either process knowledge or test data collected. Examples of information that could constitute process knowledge include, but are not limited to, calculations based on material balances and process stoichiometry. Previous test results may be used provided such results are still relevant to the current process vent stream conditions.

- iii) For purposes of subsection (f)(3) of this Section, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded single unit operation vapor space, when the vessel is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, in accordance with Section 218.503(f)(2) of the Subpart, then such event is not an emission event for purposes of this Section.
7. In Section 218.503(f)(3)(D), changed "[c](3)(A)" and "[c](3)(B)" to "[f](3)(B)" and "[f](3)(C)" respectively.
8. After Section 218.503(h), added:
 - "1) In the absence of a request by the Agency to conduct performance testing in accordance with the provisions of this Section, a source may demonstrate compliance by the use of engineering estimates of process stoichiometry."
9. In Section 218.502(b)(2), added "For purposes of this formula, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded vapor space when the single unit operation is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, according to Section 218.503(f)(2) of this Subpart, then such event is not an emission event for purposes of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Section."

10. In Section 218.504(e)(1), changed "stream" to "steam".

11. In Section 218.505(a), changed "or measurements coupled with the potential or permitted number of batch cycles per year if the uncontrolled total annual mass emissions is obtained from measurements made in accordance with Section 218.503 of this Subpart." to "any measurements made in accordance with Section 218.503 of this Subpart, and the potential or permitted number of batch cycles per year or, in the alternative, total production as represented in the source's operating permit."

12. In Section 218.505(b)(1), changed "the calculations or measurements coupled with the permitted or permitted number of emission events per year if the uncontrolled total annual mass emissions is obtained from measurements made in accordance with Section 218.503 of this Subpart, and" to "any engineering calculations, any measurements made in accordance with Section 218.503 of this Subpart, and the potential or permitted number of batch cycles per year, or, in the alternative, total production as represented in the source's operating permit."

13. In Section 218.505(c)(2), changed "stream" to "steam".

14. In Section 218.505(c)(2), deleted "For purposes of determining compliance with 40 CFR 60.18, incorporated by reference at 218.112 of this Part, records shall also be kept indicating heat content determinations, flow rate measurements and the exit velocity determinations."

15. In Section 218.505(c)(3)(C), changed "stream" to "steam".

16. In Section 218.505(c)(3)(C) changed "of" to "after".

17. In Section 218.505(d), changed "an" to "a".

18. In Section 218.505(d), changed "30" to "60".

19. In Section 218.505(d), changed "of" to "after".

20. In Section 218.505(f), changed "f" to "e".

21. In Section 218.505(g), changed "218.501(c)" to "218.500(c)".

22. In Section 218.505(g), changed "218.501(c)(1)" to "218.500(c)(1)".

23. In Section 218.503(f)(3)(A)(iii) changed "Section 218.503(f)(2) of the Subpart" to "subsection (f)(2) of the Section".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

24. Updated the Source Note.

25. Corrected various grammatical errors.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This rulemaking represents Part VII of the rules to be adopted in the State's 15th ROP. This rulemaking provides for control of VOM emissions from chemical processes operating in a batch or non-continuous mode located in the Chicago and Metro-East ozone nonattainment areas. Sources that are intended to be covered are all batch operations at sources identified by specific standard industrial classifications (SIC) codes as specifically outlined in the rule. Specifically Section 218 of the rulemaking adds Sections 218.500, 218.501, 218.502, 218.503, 218.504, 218.505 and 218.506. A complete description of this Section 218.5 rulemaking is included in the Board's May 4, 1995 opinion and order in docket R94-33, which is available from Audrey Lozok-Lawless at the address below.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Audrey Lozok-Lawless
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-6923 or (815) 753-0947

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R94-33 in your request.

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section

218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvents
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section

218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks
218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section

218.141	Separation Operations
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Pumps and Compressors

Vapor Blowdown

Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section

218.191	Solvent Cleaning in General
218.192	Cold Cleaning
218.193	Open Top Vapor Degreasing
218.194	Conveyorized Degreasing
218.195	Compliance Schedule (Repealed)
218.196	Test Methods

SUBPART F: COATING OPERATIONS

Section

218.204	Emission Limitations
218.205	Daily-Weighted Average Limitations
218.206	Solids Basis Calculation
218.207	Alternative Emission Limitations
218.208	Exemptions from Emission Limitations
218.209	Exemption from General Rule on Use of Organic Material
218.210	Compliance Schedule
218.211	Recordkeeping and Reporting
218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
218.214	Changing Compliance Methods

SUBPART G: USE OF ORGANIC MATERIAL

Section

218.301	Use of Organic Material
218.302	Alternative Standard
218.303	Fuel Combustion Emission Units
218.304	Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

218.401	Flexographic and Rotogravure Printing
218.402	Applicability
218.403	Compliance Schedule
218.404	Recordkeeping and Reporting
218.405	Lithographic Printing: Applicability
218.406	Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
- 218.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996
- 218.409 Testing for Lithographic Printing On and After March 15, 1996
- 218.410 Monitoring Requirements for Lithographic Printing
- 218.411 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

- Section
- 218.421 General Requirements
- 218.422 Inspection Program Plan for Leaks
- 218.423 Inspection Program for Leaks
- 218.424 Repairing Leaks
- 218.425 Recordkeeping for Leaks
- 218.426 Report for Leaks
- 218.427 Alternative Program for Leaks
- 218.428 Open-Ended Valves
- 218.429 Standards for Control Devices
- 218.430 Compliance Date (Repealed)

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

- Section
- 218.441 Petroleum Refinery Waste Gas Disposal
- 218.442 Vacuum Producing Systems
- 218.443 Wastewater (Oil/Water) Separator
- 218.444 Process Unit Turnarounds
- 218.445 Leaks: General Requirements
- 218.446 Monitoring Program Plan for Leaks
- 218.447 Monitoring Program for Leaks
- 218.448 Recordkeeping for Leaks
- 218.449 Reporting for Leaks
- 218.450 Alternative Program for Leaks
- 218.451 Sealing Device Requirements
- 218.452 Compliance Schedule for Leaks
- 218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

- Section
- 218.461 Manufacture of Pneumatic Rubber Tires
- 218.462 Green Tire Spraying Operations
- 218.463 Alternative Emission Reduction Systems
- 218.464 Emission Testing
- 218.465 Compliance Dates (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

- 218.466
- Section
- 218.480 Applicability
- 218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
- 218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
- 218.483 Material Storage and Transfer
- 218.484 In-Process Tanks
- 218.485 Leaks
- 218.486 Other Emissions Units
- 218.487 Testing
- 218.488 Monitoring for Air Pollution Control Equipment
- 218.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

- Section
- 218.500 Applicability for Batch Operations
- 218.501 Control Requirements for Batch Operations
- 218.502 Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations

- Performance and Testing Requirements for Batch Operations
- Monitoring Requirements for Batch Operations
- Reporting and Recordkeeping for Batch Operations
- Compliance Date
- 218.503 Emission Limitations for Air Oxidation Processes
- 218.504 Definitions (Repealed)
- 218.505 Savings Clause
- 218.506 Compliance
- 218.507 Determination of Applicability
- 218.521 Emission Limitations for Air Oxidation Processes (Renumbered)
- 218.522 Testing and Monitoring
- 218.523 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

- Section
- 218.541 Pesticide Exception

SUBPART X: CONSTRUCTION

- Section
- 218.561 Architectural Coatings
- 218.562 Paving Operations

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section

218.581 Bulk Gasoline Plants
 218.582 Bulk Gasoline Terminals
 218.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
 218.584 Gasoline Delivery Vessels
 218.585 Gasoline Volatility Standards
 218.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

Section

218.601 Perchloroethylene Dry Cleaners
 218.602 Applicability
 218.603 Leaks
 218.604 Compliance Dates (Repealed)
 218.605 Compliance Plan (Repealed)
 218.606 Exception to Compliance Plan (Repealed)
 218.607 Standards for Petroleum Solvent Dry Cleaners
 218.608 Operating Practices for Petroleum Solvent Dry Cleaners
 218.609 Program for Inspection and Repair of Leaks
 218.610 Testing and Monitoring
 218.611 Applicability for Petroleum Solvent Dry Cleaners
 218.612 Compliance Dates (Repealed)
 218.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section

218.620 Applicability
 218.621 Exemption for Waterbase Material and Heatset Offset Ink
 218.622 Permit Conditions (Repealed)
 218.624 Open-Top Mills, Tanks, Vats or Vessels
 218.625 Grinding Mills
 218.626 Storage Tanks
 218.628 Leaks
 218.630 Clean Up
 218.636 Compliance Schedule
 218.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section

218.640 Applicability
 218.642 Emissions Limitation at Polystyrene Plants

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.644 Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section

218.660 Applicability
 218.666 Control Requirements
 218.667 Compliance Schedule
 218.668 Testing
 218.670 Recordkeeping and Reporting for Exempt Emission Units
 218.672 Recordkeeping and Reporting for Subject Emission Units

SUBPART DD: AEROSOL CAN FILLING

Section

218.680 Applicability
 218.686 Control Requirements
 218.688 Testing
 218.690 Recordkeeping and Reporting for Exempt Emission Units
 218.692 Recordkeeping and Reporting for Subject Emission Units

SUBPART EE: BAKERY OVENS

Section

218.720 Applicability
 218.722 Control Requirements
 218.726 Testing
 218.727 Monitoring
 218.728 Recordkeeping and Reporting
 218.729 Compliance Date
 218.730 Certification

SUBPART GG: MARINE TERMINALS

Section

218.760 Applicability
 218.762 Control Requirements
 218.764 Compliance Certification
 218.766 Leaks
 218.768 Testing and Monitoring
 218.770 Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section

218.780 Emission Limitations
 218.782 Alternative Control Requirements
 218.784 Equipment Specifications

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.786 Surface Preparation Materials
 218.787 Work Practices
 218.788 Testing
 218.789 Monitoring and Recordkeeping for Control Devices
 218.790 General Recordkeeping and Reporting
 218.791 Compliance Date
 218.792 Registration
 218.795 Applicability of Subpart BB (Renumbered)
 218.877 Emissions Limitation at Polystyrene Plants (Renumbered)
 218.879 Compliance Date (Repealed)
 218.881 Compliance Plan (Repealed)
 218.883 Special Requirements for Compliance Plan (Repealed)
 218.886 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section

218.920 Applicability
 218.923 Permit Conditions (Repealed)
 218.926 Control Requirements
 218.927 Compliance Schedule
 218.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section

218.940 Applicability
 218.943 Permit Conditions (Repealed)
 218.946 Control Requirements
 218.947 Compliance Schedule
 218.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section

218.960 Applicability
 218.963 Permit Conditions (Repealed)
 218.966 Control Requirements
 218.967 Compliance Schedule
 218.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section

218.980 Applicability
 218.983 Permit Conditions (Repealed)
 218.986 Control Requirements
 218.987 Compliance Schedule

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
 218.990 Exempt Emission Units
 218.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
 APPENDIX B VOM Measurement Techniques for Capture Efficiency
 APPENDIX C Reference Methods and Procedures
 APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

APPENDIX E List of Affected Marine Terminals

APPENDIX G TRE Index Measurements for SOCMR Reactors and Distillation Units

APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective MAY 22 1995.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section 218.500 Applicability for Batch Operations

- a) The control requirements set forth in Section 218.501 of this Subpart shall apply to:
- 1) Process vents associated with batch operations at sources

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

identified by any of the following four-digit digit standard industrial classification ("SIC") codes, as defined in the 1987 edition of the Federal Standard Industrial Classification Manual: SIC 2821, 2833, 2834, 2861, 2865, 2869, and 2879; and

2) All batch operations at Stepan Company's Millsdale manufacturing facility, Elwood, Illinois.

b) The requirements of Sections 218.500 through 218.506 shall not apply to:

1) Any emission unit included within the category specified in 35 Ill. Adm. Code 218, Subpart B or T;

2) Any emission unit included within the category specified in Sections 218.520 through 218.527 of this Subpart; and

3) Any emission unit included within an Early Reduction Program, as specified in 40 CFR Part 63, and published in 57 Fed. Reg. 61970 (December 29, 1992), evidenced by a timely enforceable commitment approved by USEPA.

c) The following single unit operations and batch process trains are subject to this Subpart but are considered to be de minimis and are, therefore, exempt from the control requirements of Section 218.501 of this Subpart. However, the recordkeeping and reporting requirements in Section 218.505 of this Subpart shall apply to such de minimis single unit operations and batch process trains:

1) Within a batch operation, any single unit operation with uncontrolled total annual mass emissions of less than or equal to 500 lb/yr of VOM. Such single unit operations are also excluded from the calculation of the total annual mass emissions for a batch process train. If the uncontrolled total annual mass emissions from such exempt single unit operation exceed 500 lb/yr of VOM in any subsequent year, the source shall calculate applicability in accordance with subsection (d) of this Section for both the individual single unit operation and the batch process train containing the single unit operation; and

2) Any batch process train containing process vents that have, in the aggregate, uncontrolled total annual mass emissions, as determined in accordance with Section 218.502(a) of this Subpart, of less than 30,000 lb/yr of VOM for all products manufactured in such batch process train.

d) The applicability equations in subsection (e) of this Section, which require the calculation of uncontrolled total annual mass emissions and flow rate value, shall be used to determine whether a single unit operation or a batch process train is subject to the control requirements set forth in Section 218.501 of this Subpart. The applicability equation shall be applied to the following:

1) Any single unit operation with uncontrolled total annual mass emissions that exceed 500 lb/yr and with a VOM concentration greater than 500 ppmv. In this individual determination, no applicability analysis shall be performed for any single unit operation with a VOM concentration of less than or equal to 500

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ppmv; and

2) Any batch process train containing process vents which, in the aggregate, have uncontrolled total annual mass emissions of 30,000 lb/yr or more of VOM from all products manufactured in the batch process train. Any single unit operation with uncontrolled total annual mass emissions exceeding 500 lb/yr, regardless of VOM concentration, shall be included in the aggregate applicability analysis.

e) Applicability equations

1) The applicability equations in this subsection are specific to volatility.

2) For purposes of this subsection, the following abbreviations apply:

A) FR = Vent stream flow rate, scfm;

B) $UTAME$ = Uncontrolled total annual mass emissions of VOM, expressed as lb/yr;

C) WAV = Weighted average volatility;

D) $MVOM(i)$ = Mass of VOM component i;

E) $MWVOM(i)$ = Molecular weight of VOM component i; and

F) $VP(i)$ = Vapor pressure of VOM component i.

3) Weighted average volatility shall be calculated as follows:

$$WAV = \frac{\sum_{i=1}^n \{(VP(i)) \times [(MVOM(i))] \}}{\sum_{i=1}^n \{ (MWVOM(i)) \}}$$

4) For purposes of determining applicability, flow rate values shall be calculated as follows:

A) Low WAV has a vapor pressure less than or equal to 75 mmHg at 20°C (68°F), and shall use the following equation:

$$FR = [0.07 (UTAME)] - 1,821$$

B) Moderate WAV has a vapor pressure greater than 75 mmHg but less than or equal to 150 mmHg at 20°C (68°F), and shall use the following equation:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

FR = $[0.031 \text{ (UTAME)}] - 494$

- c) High WAV has a vapor pressure greater than 150 mmHg at 20°C [68°F], and shall use the following equation:

FR = $[0.013 \text{ (UTAME)}] - 301$

- 5) To determine the vapor pressure of VOM, the applicable methods and procedures in Section 218.111 of this Part shall apply.

(Source: Added at 19 Ill. Reg. 7359, effective MAY 2 2 1995)

Section 218.501 Control Requirements for Batch Operations

- a) Every owner or operator of a single unit operation with an average flow rate, as determined in accordance with Section 218.502(b) of this Subpart, below the flow rate value calculated by the applicability equations contained in Section 218.500(e) of this Subpart, shall reduce uncontrolled VOM emissions from such single unit operation by an overall efficiency, on average, of at least 90 percent, or 20 ppmv, per batch cycle.
- b) Every owner or operator of a batch process train with an average flow rate, as determined in accordance with Section 218.502(b)(2) of this Subpart, below the flow rate value calculated by the applicability equations contained in Section 218.500(e) of this Subpart, shall reduce uncontrolled VOM emissions from such batch process train by an overall efficiency, on average, of at least 90 percent, or 20 ppmv, per batch cycle. For purposes of demonstrating compliance with the emission limitations set forth in this Section, any control device meeting the criteria in subsection (c) of this Section shall be deemed to achieve a control efficiency of 90 percent, or 20 ppmv, per batch cycle, as applicable.
- c) Notwithstanding subsection (a) or (b) of this Section, any source that has installed on or before March 15, 1995, any control device which is demonstrated to the Agency's satisfaction to be unable to meet the applicable control requirements of this Section, scrubber, or shell and tube condenser using a non-refrigerated cooling media, and such device achieves at least 81 percent control efficiency of VOM emissions, is required to meet the 90 percent emission limitation or 20 ppmv VOM concentration set forth in subsection (a) or (b) of this Section, as applicable, upon the earlier to occur of the date the device is replaced for any reason, including, but not limited to, normal maintenance, malfunction, accident, and obsolescence, or December 31, 1999. A scrubber, shell and tube condenser using a non-refrigerated cooling media, or other control device meeting the criteria of this subsection, is considered replaced when:
- 1) All of the device is replaced; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) When either the cost to repair the device or the cost to replace part of the device exceeds 50 percent of the cost of replacing the entire device with a control device that complies with the 90 percent emission limitation or 20 ppmv VOM concentration level in subsection (a) of this Section, as applicable.

- d) If a boiler or process heater is used to comply with this Section, the vent stream shall be introduced into the flame zone of the boiler or process heater.
- e) If a flare is used to comply with this Section, it shall comply with the requirements of 40 CFR 60.18, incorporated by reference at Section 218.112 of this Part. The flare operation requirements of 40 CFR 60.18 do not apply if a process, not subject to this Subpart, vents an emergency relief discharge into a common flare header and causes the flare servicing the process subject to this Subpart to not comply with one or more of the provisions of 40 CFR 60.18.

(Source: Added at 19 Ill. Reg. 7359, effective MAY 2 2 1995)

Section 218.502 Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations

- a) Uncontrolled total annual mass emissions shall be determined by the following methods:
- 1) Direct process vent emissions measurements taken prior to any release to the atmosphere, following any recovery device and prior to any control device, provided such measurements conform with the requirements of measuring the mass flow rate of VOM incoming to the control device as set forth in Section 218.503(f)(2), (f)(3)(A) and (f)(3)(B) of this Subpart; or
- 2) Engineering estimates of the uncontrolled VOM emissions from a process vent or process vents, in the aggregate, within a batch process train, using either the potential or permitted number of batch cycles per year or total production as represented in the source's operating permit as follows:
- A) Engineering estimates of the uncontrolled VOM emissions shall be based upon accepted chemical engineering principles, measurable process parameters, or physical or chemical laws and their properties. Examples of methods include, but are not limited to, the following:
- i) Use of material balances based on process stoichiometry to estimate maximum VOM concentrations;
- ii) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities; and
- iii) Estimation of VOM concentrations based on saturation conditions.
- B) All data, assumptions and procedures used in any engineering

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

estimate shall be documented.

- b) Average flow rate shall be determined by any of the following methods:
- 1) Direct process vent flow rate measurements taken prior to any release to the atmosphere, following any recovery device and prior to any control device, provided such measurements conform with the requirements of measuring incoming volumetric flow rate set forth in Section 218.503(e)(2) of this Subpart;
 - 2) Average flow rate for a single unit operation having multiple emission events or batch process trains shall be the weighted average flow rate, calculated as follows:

$$WAF = \frac{\sum_{i=1}^n \{AFR[i] \times ADE[i]\}}{\sum_{i=1}^n (ADE[i])}$$

where:

WAF = Actual weighted average flow rate for a single unit operation or batch process train;
 AFR[i] = Average flow rate per emission event;
 ADE[i] = Annual duration of emission event; and
 n = Number of emission events.

For purposes of this formula, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded vapor space when the single unit operation is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, according to Section 218.503(f)(2) of this Subpart, then such event is not an emission event for purposes of this Section.

- 3) Engineering estimates calculated in accordance with the requirements in subsection (a)(2) of this Section.

- c) For purposes of determining the average flow rate for steam vacuuming systems, the steam flow shall be included in the average flow rate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

calculation.

(Source: Added at 19 Ill. Reg. 7359, effective MAY 22, 1995)

Section 218.503 Performance and Testing Requirements for Batch Operations

- a) Upon the Agency's request, the owner or operator of a batch operation shall conduct testing to demonstrate compliance with Section 218.501 of this Subpart. The owner or operator shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in Section 218.503(d), (e), and (f) of this Subpart.
- b) Notwithstanding subsection (a) of this Section, flares and process boilers used to comply with control requirements of Section 218.501 of this Subpart shall be exempt from performance testing requirements.
- c) When a flare is used to comply with the control requirements of Section 218.501 of this Subpart, the flare shall comply with the requirements of 40 CFR 60.18, incorporated by reference at Section 218.112 of this Part.
- d) The owner or operator of a batch operation that is exempt from the control requirements of Section 218.501 of this Subpart shall demonstrate, upon the Agency's request, the absence of oversized gas moving equipment in any manifold. Gas moving equipment shall be considered oversized if it exceeds the maximum requirements of the exhaust flow rate by more than 30 percent.
- e) For the purpose of demonstrating compliance with the control requirements in Section 218.501 of this Subpart, the batch operation shall be run at representative operating conditions and flow rates during any performance test.
- f) The following methods in 40 CFR 60, Appendix A, incorporated by reference at Section 218.112 of this Part, shall be used to demonstrate compliance with the reduction efficiency requirement set forth in Section 218.501 of this Subpart:
 - 1) Method 1 or 1A, as appropriate, for selection of the sampling sites if the flow measuring device is not a rotameter. The control device inlet sampling site for determination of vent stream VOM composition reduction efficiency shall be prior to the control device and after the control device;
 - 2) Method 2, 2A, 2C, or 2D, as appropriate, for determination of gas stream volumetric flow rate flow measurements, which shall be taken continuously. No traverse is necessary when the flow measuring device is an ultrasonic probe;
 - 3) Method 25A or Method 18, if applicable, to determine the concentration of VOM in the control device inlet and outlet;

- A) The sampling time for each run shall be as follows:

- i) For batch cycles less than eight hours in length, readings shall be taken continuously over the entire

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

length of the batch cycle with a maximum of 15-minute intervals between measurements if using Method 25A. If using Method 18, readings shall be taken continuously with a maximum of 15-minute intervals between measurements throughout the batch cycle unless it becomes necessary to change the impinger train, in which case a 30-minute interval shall not be exceeded. For batch cycles of eight hours and greater in length, the owner or operator may either test in accordance with the test procedures defined in subsection (f)(3)(A)(i) of this Section or the owner or operator may elect to perform tests, pursuant to either Method 25A or Method 18, only during those portions of each emission event which define the emission profile of each emission event occurring within the batch cycle. For each emission event of less than four hours in duration, the owner or operator shall test continuously over the entire emission event as set forth in subsection (f)(3)(A)(i) of this Section. For each emission event of greater than four hours in duration, the owner or operator shall elect either to perform a minimum of three one hour test runs during the emission event or shall test continuously over the entire emission event within each single unit operation in the batch process train. To demonstrate that the portion of the emission event to be tested defines the emission profile for the emission event, the owner or operator electing to rely on this option shall develop an emission profile for the entire emission event. Such emission profile shall be based upon either process knowledge or test data collected. Examples of information that could constitute process knowledge include, but are not limited to, calculations based on material balances and process stoichiometry. Previous test results may be used provided such results are still relevant to the current process vent stream conditions.

ii)

iii) For purposes of subsection (f)(3) of this Section, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded single unit operation vapor space when the vessel is heated is also an emission event. Both of these examples of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, in accordance with subsection 218.503(f)(2) of this Section, then such event is not an emission event for purposes of this Section.

B) The mass emission rate from the process vent or inlet to the control device shall be determined by combining concentration and flow rate measurements taken simultaneously at sampling sites selected in accordance with subsection (f)(1) of this Section throughout the batch cycle.

C) The mass emission rate from the control device outlet shall be obtained by combining concentration and flow rate measurements taken simultaneously at sampling sites selected in accordance with subsection (f)(1) of this Section throughout the batch cycle.

D) The efficiency of the control device shall be determined by integrating the mass emission rates obtained in subsections (f)(3)(B) and (f)(3)(C) of this Section, over the time of the batch cycle and dividing the difference in inlet and outlet mass flow totals by the inlet mass flow total.

g) Upon request by the Agency to conduct testing, an owner or operator of a batch operation which has installed a scrubber, a shell and tube condenser using a non-refrigerated cooling media, or any other control device which meets the criteria of Section 218.501(c) of this Subpart, shall demonstrate that such device achieves the control efficiency applicable within Section 218.501 of this Subpart upon the earlier to occur of the date the device is replaced or December 31, 1999.

h) The owner or operator of a batch operation may propose an alternative test method or procedures to demonstrate compliance with the control requirements set forth in Section 218.501 of this Subpart. Such method or procedures shall be approved by the Agency and USEPA as evidenced by federally enforceable permit conditions.

i) In the absence of a request by the Agency to conduct performance testing in accordance with the provisions of this Section, a source may demonstrate compliance by the use of engineering estimates or process stoichiometry.

(Source: Added at 19 Ill. Reg. 7359, effective MAY 22 1995)

Section 218.504 Monitoring Requirements for Batch Operations

a) Every owner or operator using an afterburner to comply with Section 218.501 of this Subpart shall install, calibrate, maintain and operate, according to manufacturer's specifications, temperature monitoring devices with an accuracy of ± 1 percent of the temperature

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

being measured expressed in degrees Celsius, equipped with continuous recorders.

1) Where a catalytic afterburner is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

2) Where an afterburner other than a catalytic afterburner is used, a temperature monitoring device shall be installed in the combustion chamber.

b) Every owner or operator using a flare to comply with Section 218.501 of this Subpart shall install, calibrate, maintain and operate, according to manufacturer's specifications, a heat sensing device, such as an ultra-violet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.

c) Every owner or operator using a scrubber to comply with this Section 218.501 of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, the following:

1) A temperature monitoring device for scrubbant liquid having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius and a specific gravity device for scrubbant liquid, each equipped with a continuous recorder; or

2) A VOM monitoring device used to indicate the concentration of VOM exiting the control device based on a detection principle such as infra-red photoionization, or thermal conductivity, each equipped with a continuous recorder.

d) Every owner or operator using a condenser to comply with Section 218.501 of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, the following:

1) A condenser exit temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius; or

2) A VOM monitoring device used to indicate the concentration of VOM such as infra-red, photoionization, or thermal conductivity, each equipped with a continuous recorder.

e) Every owner or operator using a carbon absorber to comply with this Subpart shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, the following equipment:

1) An integrating regeneration steam flow monitoring device having an accuracy of ± 10 percent, and a carbon bed temperature monitoring device having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius, both equipped with a continuous recorder; or

2) A VOM monitoring device used to indicate the concentration level of VOM exiting such device based on a detection principle such as infra-red, photoionization, or thermal conductivity, each equipped with a continuous recorder.

f) Every owner or operator using a boiler or process heater with a design heat input capacity less than 44 Mw to comply with Section 218.501 of this Subpart shall install, calibrate, maintain, and operate,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

according to the manufacturer's specifications, a temperature monitoring device in the firebox with an accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius, equipped with a continuous recorder. Any boiler or process heater in which all process vent streams are introduced with primary fuel is exempt from this requirement.

g) The owner or operator of a process vent shall be permitted to monitor by an alternative method or may monitor parameters other than those listed in subsections (a) through (f) of this Section, if approved by the Agency and USEPA. Such alternative method or parameters shall be contained in the source's operating permit as federally enforceable permit conditions.

h) Notwithstanding subsections (a) through (g) of this Section, sources using a scrubber, shell and tube condenser using a non-refrigerated cooling media, or other control device meeting the criteria of Section 218.501(c) of this Subpart, are required to monitor compliance with the requirements of this Subpart on and after the earlier to occur of the date such device is replaced for any reason or December 31, 1999.

(Source: Added at 19 Ill. Reg. 73591, effective MAY 22 1995)

Section 218.505 Reporting and Recordkeeping for Batch Operations

a) Every owner or operator of a de minimis single unit operation or batch process train exempt under Section 218.500(c)(1) or (c)(2) of this Subpart shall keep records of the uncontrolled total annual mass emissions for any de minimis single unit operation or batch process train, as applicable, and documentation verifying these values or measurements. The documentation shall include the engineering calculations, any measurements made in accordance with Section 218.503 of this Subpart, and the potential or permitted number of batch cycles per year, or, in the alternative, total production as represented in the source's operating permit.

b) Every owner or operator of a single unit operation exempt under Section 218.500(b)(3) or (d) of this Subpart shall keep the following records:

1) The uncontrolled total annual mass emissions and documentation verifying these values or measurements. The documentation shall include any engineering calculation, any measurements made in accordance with Section 218.503 of this Subpart, and the potential or permitted number of batch cycles per year, or, in the alternative, total production as represented in the source's operating permit.

2) The average flow rate in scfm and documentation verifying this value.

c) Every owner or operator of a batch operation subject to the control requirements of Section 218.501 of this Subpart shall keep records of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the following parameters required to be monitored under Section 218.504 of this Subpart:

- 1) If using a thermal or catalytic afterburner to comply with Section 218.501 of this Subpart, records indicating the average combustion chamber temperature of the afterburner (or the average temperature upstream and downstream of the catalyst bed for a catalytic afterburner), measured continuously and averaged over the same time period as the performance test;
- 2) If using a flare (i.e., steam-assisted, air-assisted or nonassisted) to comply with Section 218.501 of this Subpart, continuous records of the flare pilot flame monitoring and records of all periods of operations during which the pilot flame is absent.
- 3) If using any of the following as a control device, the following records:
 - A) Where a scrubber is used, the exit specific gravity (or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the Agency) and the average exit temperature of the absorbing liquid, measured continuously and averaged over the same time period as the performance test (both measured while the vent stream is routed normally);
 - B) Where a condenser is used, the average exit (product side) temperature measured continuously and averaged over the same time period as the performance test while the vent stream is routed normally;
 - C) Where a carbon absorber is used, the total steam mass flow measured continuously and averaged over the same time period as the performance test (full carbon bed cycle), temperature of the carbon bed after regeneration (and within 15 minutes after completion of any cooling cycle(s)), and duration of the carbon bed steaming cycle (all measured while the vent stream is routed normally); or
 - D) As an alternative to subsection (C)(3)(A), (C)(3)(B), or (C)(3)(C) of this Section, at a minimum, records indicating the concentration level or reading indicated by the VOM monitoring device at the outlet of the scrubber, condenser, or carbon absorber, measured continuously and averaged over the same time period as the performance test (while the vent stream is routed normally).

- d) Every owner or operator of a single unit operation claiming a vent stream concentration exemption level, as set forth in Section 218.500(d)(1) of this Subpart, shall maintain records to indicate the vent stream concentration is less than or equal to 500 ppmv, and shall notify the Agency in writing if the vent stream concentration at any time equals or exceeds 500 ppmv, within 60 days after such event. Such notification shall include a copy of all records of such event.
- e) An owner or operator of a batch operation subject to the control

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requirements of Section 218.501 of this Subpart may maintain alternative records other than those listed in subsection (c) of this Section. Any alternative recordkeeping shall be approved by the Agency and USEPA and shall be contained in the source's operating permit as federally enforceable permit conditions.

- f) Notwithstanding subsections (a) through (e) of this Section, any owner or operator of a batch operation which uses either a scrubber, shell and tube condenser using non-refrigerated cooling media, or other control device meeting the criteria of Section 218.501(c) of this Subpart, is required to monitor compliance with the requirements of this Subpart on and after the earlier to occur of the date such device is replaced for any reason or December 31, 1999.
 - g) The owner or operator of a de minimis single unit operation or batch process train exempt from the control requirements of Section 218.500(c) of this Subpart shall notify the Agency in writing if the uncontrolled total annual mass emissions from such de minimis single unit operation or batch process train exceed the threshold in Section 218.500(c)(1) or (c)(2) of this Subpart, respectively, within 60 days after the event occurs. Such notification shall include a copy of all records of such event.
 - h) Every owner or operator of a batch operation required to keep records under this Section shall maintain such records at the source for a minimum period of three years and shall make all such records available to the Agency upon request.

(Source: Added, 19 Ill. Reg. 7359, effective MAY 22 1995)

Section 218.506 Compliance Date

Every owner or operator of a batch operation subject to Sections 218.500 through 218.506 of this Subpart shall comply with its standards, limitations and mandates by March 15, 1996, or upon initial start up, whichever is later.

(Source: Added, 19 Ill. Reg. 7359, effective MAY 22 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area

2) Code Citation: 35 Ill. Adm. Code 219

3) Section Numbers: Adopted Action:

219.500	New
219.501	New
219.502	New
219.503	New
219.504	New
219.505	New
219.506	New

4) Statutory Authority: 415 ILCS 5/27.

5) Effective Date of Rule(s) (Amendments, Repealer): May 22, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule (amendment, repealer) contain incorporation by reference?
No.

8) Date Filed in Agency's Principal Office: May 4, 1995

9) Notice(s) of Proposal Published in Illinois Register:

18 Ill. Reg. 17844, December 16, 1994:

219.500	New
219.501	New
219.502	New
219.503	New
219.504	New
219.505	New
219.506	New

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No

11) Difference(s) between proposal and final version:

1. In the Table of Contents deleted: 219.114 Compliance with Permit Conditions.

2. In the Appendix, changed "Reference Test Methods for Air Oxidation Processes" to "Reference Methods and Procedures".

3. Updated the Source Note

4. In Section 219.500(a), deleted "i".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

5. In Section 219.500(a) (1), deleted "i".

6. In Section 219.500(a)(1), deleted "; and".

7. In Section 219.500(a) (2) deleted,

"2) All batch operations at Stepan Company's Millsdale manufacturing facility, Elwood, Illinois."

8. In Section 219.502(a)(1), changed "single unit operation" to "control device".

9. In Section 219.502(a) (2), changed "multiplied by" to "using either".

10. In Section 219.502(a) (2), after "year" added "or total production as represented in the source's operating permit."

11. In Section 219.502(b) (2) added "For purposes of this formula, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded vapor space when the single unit operation is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, according to Section 219.503(f)(2) of this Subpart, then such event is not an emission event for purposes of this Section."

12. In Section 219.503(f) (3) (A), after "run" added "shall be as follows."

13. In Section 219.503(f) (3) (A), deleted "will be the entire length of the batch cycle in which readings shall be taken continuously, if Method 25A is used, or as often as is possible using Method 18, with a maximum of 15-minute intervals between measurements throughout the batch cycle."

14. After Section 219.503(f) (3), added:

"i) For batch cycles less than eight hours in length, readings shall be taken continuously over the entire length of the batch cycle with a maximum of 15 minute intervals between readings if using Method A. If using Method 18, readings shall be taken continuously with a maximum of 15-minute intervals between measurements throughout the batch cycle unless it becomes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

necessary to change the impinger train, in which case a 30-minute interval shall not be exceeded.

ii) For batch cycles of eight hours and greater in length, the owner or operator may either test in accordance with the test procedures defined in subsection (f) (3) (A) (i) of this Section or the owner or operator may elect to perform tests, pursuant to either Method A or Method 18, only during those portions of each emission event which define the emission profile of each emission event occurring within the batch cycle. For each emission event of less than four hours in duration, the owner or operator shall test continuously over the entire emission event as set forth in Subsection (f) (3) (A) (i) of this Section. For each emission event of greater than four hours in duration, the owner or operator shall elect either to perform a minimum of three one hour test runs during the emission event or shall test continuously over the entire emission event within each single unit operation in the batch process train. To demonstrate that the portion of the emission event to be tested define the emission event, the owner or operator electing to rely on this option shall develop an emission profile for the entire emission event. Such emission profile shall be based upon either process knowledge or test data collected. Examples of information that could constitute process knowledge include, but are not limited to, calculations based on material balances and process stoichiometry. Previous test results may be used provided such results are still relevant to the current process vent stream conditions.

iii) For purposes of subsection (f) (3) of this Section, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded single unit operation vapor space, when the vessel is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any event is zero, in accordance with Section 218.503(f) (2) of the Subpart, then such event is not an emission event for purposes of this Section."

15. In Section 219.503(f) (3) (D), added "s" to "subsection".
16. In Section 219.503(f) (3) (D), changed "(c) (3) (A)" and "(c) (3) (B)" to "(f) (3) (B)" and "(f) (3) (C)" respectively.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

17. After Section 219.503(h), added:

"i) In the absence of a request by the Agency to conduct performance testing in accordance with the provisions of this Section, a source may demonstrate compliance by the use of engineering estimates or process stoichiometry."

18. In Section 219.504(e) (1), changed "stream" to "steam".

19. In Section 219.504(e) (1), changed "+" to "+".

20. In Section 219.505(a), changed "or measurements coupled with the potential or permitted number of batch cycles per year if the uncontrolled total annual mass emission is obtained from measurements made in accordance with Section 219.503 of this Subpart." to "any measurements made in accordance with Section 219.503 of this Subpart, and the potential or permitted number of batch cycles per year or, in the alternative, total production as represented in the source's operating permit."

21. In Section 219.505(b) (1), changed "the calculations or measurements coupled with the permitted or permitted number of emission events per year if the uncontrolled total annual mass emissions is obtained from measurements made in accordance with Section 218.503 of this Subpart; and" to "any engineering calculations, any measurements made in accordance with Section 218.503 of this Subpart, and the potential or permitted number of batch cycles per year, or, in the alternative, total production as represented in the source's operating permit."

22. In Section 219.505(c) (2), changed "stream" to "steam".

23. In Section 219.505(c) (2), deleted "for purposes of determining compliance with 40 CFR 60.18, incorporated by reference at 218.112 of this Part. Records shall also be kept indicating heat content determinations, flow rate measurements and the exit velocity determinations."

24. In Section 219.505(c) (3) (C), changed "stream" to "steam".

25. In Section 219.505(c) (3) (C), changed "of" to "after".

26. In Section 219.505(d), changed "an" to "a".

27. In Section 219.505(d), changed "30" to "60".

28. In Section 219.505(d), changed "of" to "after".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

29. In Section 219.505(f), changed "f" to "e".
30. In Section 219.505(g), changed "218.501(c)" to "218.500(c)".
31. In Section 219.505(g), changed "218.501(c)(1)" to "218.500(c)(1)".
32. In Section 219.500(b)(1), changed "35 Ill. Adm. Code Part 219." to "35 Ill. Adm. Code 219.".
33. In Section 219.503(f)(3)(A) (iii), changed "Section 218.503(f)(2) of the Subpart" to "subsection (f)(2) of the Section".
34. In Section 219.505(a), changed "Section 218.503" to "Section 219.503".
35. In Section 219.505(b)(1), changed "Section 218.503" to "Section 219.503".
36. Deleted Subpart CC and Subpart DD in the Table of Contents.
37. In Section 219.923, .943, .963, and .983, deleted "(Repealed)".
38. In the Appendix, deleted "Section 219." before "Appendix A:", "Appendix B:", "Appendix C:", "Appendix D:", and "Appendix E:".
39. In Table Contents, added "Section 219.120 Control Requirements for Storage Containers of VOL".
40. In Table of Contents Section 219.121, added "of VPL" at the end.
41. In Table of Contents Section 219.125, deleted "(Repealed)".
42. In Table of Contents, added
 "Section 219.127 Testing VOL Operations",
 "219.128 Monitoring VOL Operations",
 "219.129 Recordkeeping and Reporting for VOL Operations",
 "219.520 Emission Limitations for Air Oxidation Processes",
 "219.522 Savings Clause",
 "219.523 Compliance", and
 "219.524 Determination of Applicability".
43. In Section 219.525, added "(Renumbered)".
44. In Section 219.586, added "(Repealed)".
45. In Section 219.611, changed "Applicability" to "Exemption".
46. In Section 219.602, changed "Applicability" to "Exemptions".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

47. Added the following Sections to the Table of Contents:
 219.212 Cross-Line Averaging to Establish Compliance for Coating Lines
 219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
 219.214 Changing Compliance Methods
 219.405 Lithographic Printing: Applicability
 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
 219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
 219.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996
 219.409 Testing for Lithographic Printing On and After March 15, 1996
 219.410 Monitoring Requirements for Lithographic Printing
 219.411 Recordkeeping and Reporting for Lithographic Printing
 219.431 Applicability
 219.432 Control Requirements
 219.433 Performance and Testing Requirements
 219.434 Monitoring Requirements
 219.435 Recordkeeping and Reporting Requirements
 219.436 Compliance Date
 "EMERGENCY" after Section 219.585
 SUBPART FF: BAKERY OVENS
 Section
 219.720 Applicability
 219.722 Control Requirements
 219.726 Testing
 219.727 Monitoring
 219.728 Recordkeeping and Reporting
 219.729 Compliance Date
 219.730 Certification
 SUBPART HH: MOTOR VEHICLE REFINISHING
 Section
 219.780 Emission Limitations
 219.782 Alternative Control Requirements
 219.784 Equipment Specifications
 219.786 Surface Preparation Materials
 219.787 Work Practices
 219.788 Test 004
 219.789 Monitoring and Recordkeeping for Control Devices
 219.790 General Recordkeeping and Reporting
 219.791 Compliance Date
 219.792 Registration

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- APPENDIX G: TRE Index Measurements for SOxMI Reactors and Distillation Units
 APPENDIX H: Baseline VOM Content Limitations for Subpart F, Section 219.212

48. Updated Source Note.

49. Corrected various grammatical errors.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s):

This rulemaking represents Part VII of the rules to be adopted in the State's 15th ROP. This rulemaking provides for control of VOM emissions from chemical processes operating in a batch or non-continuous mode located in the Chicago and Metro-East ozone nonattainment areas. Sources that are intended to be covered are all batch operations at sources identified by specific standard industrial classifications (SIC) codes as specifically outlined in the rule. Specifically, Section 219 of the rulemaking adds Sections 219.500, 219.501, 219.502, 219.503, 219.504, 219.505, and 219.506. A complete description of this Section 28.5 rulemaking is included in the Board's May 4, 1995 opinion and order in docket R94-33, which is available from the Clerk of the Board at the address below.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Audrey Lozuk-Lawless
 Address: 100 W. Randolph Street
 State of Illinois Center
 Suite 11-500
 Chicago, Ill 60601
 Telephone: (312)814-6923 or (815)753-0947

Copies of the Boards opinions and orders may be requested from the clerk of the Board at the address above. Please refer to the Dockets number R94-33 in your request.

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
 FOR STATIONARY SOURCES

PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section	
219.100	Introduction
219.101	Savings Clause
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Operation of Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvents
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference
219.113	Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.119	Applicability for VOL
219.120	Control Requirements for Storage Containers of VOL
219.121	Storage Containers of VPL
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates
219.126	Compliance Plan (Repealed)
219.127	Testing VOL Operations
219.128	Monitoring VOL Operations
219.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
219.141	Separation Operations

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

219.142 Pumps and Compressors
219.143 Vapor Blowdown
219.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
219.181 Solvent Cleaning in General
219.182 Cold Cleaning
219.183 Open Top Vapor Degreasing
219.184 Conveyorized Degreasing
219.185 Compliance Schedule (Repealed)
219.186 Test Methods

SUBPART F: COATING OPERATIONS

Section
219.204 Emission Limitations
219.205 Daily-Weighted Average Limitations
219.206 Solids Basis Calculation
219.207 Alternative Emission Limitations
219.208 Exemptions from Emission Limitations
219.209 Exemption from General Rule on Use of Organic Material
219.210 Compliance Schedule
219.211 Recordkeeping and Reporting
219.212 Cross-Line Averaging to Establish Compliance for Coating Lines
219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
219.214 Changing Compliance Methods

SUBPART G: USE OF ORGANIC MATERIAL

Section
219.301 Use of Organic Material
219.302 Alternative Standard
219.303 Fuel Combustion Emission Units
219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section
219.401 Flexographic and Rotogravure Printing
219.402 Applicability
219.403 Compliance Schedule
219.404 Recordkeeping and Reporting
219.405 Lithographic Printing: Applicability
219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
219.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996

219.409 Testing for Lithographic Printing On and After March 15, 1996
219.410 Monitoring Requirements for Lithographic Printing
219.411 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section
219.421 General Requirements
219.422 Inspection Program Plan for Leaks
219.423 Inspection Program for Leaks
219.424 Repairing Leaks
219.425 Recordkeeping for Leaks
219.426 Report for Leaks
219.427 Alternative Program for Leaks
219.428 Open-Ended Valves
219.429 Standards for Control Devices
219.430 Compliance Date (Repealed)
219.431 Applicability
219.432 Control Requirements
219.433 Performance and Testing Requirements
219.434 Monitoring Requirements
219.435 Recordkeeping and Reporting Requirements
219.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES: ASPHALT MATERIALS

Section
219.441 Petroleum Refinery Waste Gas Disposal
219.442 Vacuum Producing Systems
219.443 Wastewater (Oil Water) Separator
219.444 Process Unit Turnarounds
219.445 Leaks: General Requirements
219.446 Monitoring Program Plan for Leaks
219.447 Monitoring Program for Leaks
219.448 Recordkeeping for Leaks
219.449 Reporting for Leaks
219.450 Alternative Program for Leaks
219.451 Sealing Device Requirements
219.452 Compliance Schedule for Leaks
219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
219.461 Manufacture of Pneumatic Rubber Tires
219.462 Green Tire Spraying Operations
219.463 Alternative Emission Reduction Systems
219.464 Emission Testing
219.465 Compliance Dates (Repealed)
219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
219.480 Applicability
219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
219.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
219.483 Material Storage and Transfer
219.484 In-Process Tanks
219.485 Leaks
219.486 Other Emission Units
219.487 Testing
219.488 Monitoring for Air Pollution Control Equipment
219.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section
219.500 Applicability for Batch Operations
219.501 Control Requirements for Batch Operations
219.502 Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations
219.503 Performance and Testing Requirements for Batch Operations
219.504 Monitoring Requirements for Batch Operations
219.505 Reporting and Recordkeeping for Batch Operations
219.506 Compliance Date
219.507 Emission Limitations for Air Oxidation Processes
219.520 Definitions (Repealed)
219.521 Savings Clause
219.522 Compliance
219.523 Determination of Applicability
219.524 Emission Limitations for Air Oxidation Processes (Renumbered)
219.525 Testing and Monitoring
219.526 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section
219.541 Pesticide Exception

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART X: CONSTRUCTION

Section
219.561 Architectural Coatings
219.562 Paving Operations
219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
219.581 Bulk Gasoline Plants
219.582 Bulk Gasoline Terminals
219.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
219.584 Gasoline Delivery Vessels
219.585 Gasoline Volatility Standards
219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section
219.601 Perchloroethylene Dry Cleaners
219.602 Exemptions
219.603 Leaks
219.604 Compliance Dates (Repealed)
219.605 Compliance Plan (Repealed)
219.606 Exception to Compliance Plan (Repealed)
219.607 Standards for Petroleum Solvent Dry Cleaners
219.608 Operating Practices for Petroleum Solvent Dry Cleaners
219.609 Program for Inspection and Repair of Leaks
219.610 Testing and Monitoring
219.611 Exemption for Petroleum Solvent Dry Cleaners
219.612 Compliance Dates (Repealed)
219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section
219.620 Applicability
219.621 Exemption for Waterbase Material and Heatset- Offset Ink
219.623 Permit Conditions
219.624 Open-Top Mills, Tanks, Vats or Vessels
219.625 Grinding Mills
219.626 Storage Tanks
219.628 Leaks
219.630 Clean Up
219.636 Compliance Schedule
219.637 Recordkeeping and Reporting

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BB: POLYSTYRENE PLANTS

Section
219.640 Applicability
219.642 Emissions Limitation at Polystyrene Plants
219.644 Emissions Testing

SUBPART FF: BAKERY OVENS

Section
219.720 Applicability
219.722 Control Requirements
219.726 Testing
219.727 Monitoring
219.728 Recordkeeping and Reporting
219.729 Compliance Date
219.730 Certification

SUBPART GG: MARINE TERMINALS

Section
219.760 Applicability
219.762 Control Requirements
219.764 Compliance Certification
219.766 Leaks
219.768 Testing and Monitoring
219.770 Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section
219.780 Emission Limitations
219.782 Alternative Control Requirements
219.784 Equipment Specifications
219.786 Surface Preparation Materials
219.787 Work Practices
219.788 Testing
219.789 Monitoring and Recordkeeping for Control Devices
219.790 General Recordkeeping and Reporting
219.791 Compliance Date
219.792 Registration
219.875 Applicability of Subpart BB (Renumbered)
219.877 Emissions Limitation at Polystyrene Plants (Renumbered)
219.879 Compliance Date (Repealed)
219.881 Compliance Plan (Repealed)
219.883 Special Requirements for Compliance Plan (Repealed)
219.886 Emissions Testing (Renumbered)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
219.920 Applicability
219.923 Permit Conditions
219.926 Control Requirements
219.927 Compliance Schedule
219.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
219.940 Applicability
219.943 Permit Conditions
219.946 Control Requirements
219.947 Compliance Schedule
219.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
219.960 Applicability
219.963 Permit Conditions
219.966 Control Requirements
219.967 Compliance Schedule
219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
219.980 Applicability
219.983 Permit Conditions
219.986 Control Requirements
219.987 Compliance Schedule
219.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
219.990 Exempt Emission Units
219.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
APPENDIX B VOM Measurement Techniques for Capture Efficiency
APPENDIX C Reference Methods and Procedures
APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- APPENDIX E List of Affected Marine Terminals
 APPENDIX G TRE Index Measurements for SOGMI Reactors and Distillation Units
 APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16318, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16380, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. ~~7385~~ **7385**, effective **MAY 22 1995**.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section 219.500 Applicability for Batch Operations

- a) The control requirements set forth in Section 219.501 of this Subpart shall apply to process vents associated with batch operations at sources identified by any of the following four-digit standard industrial classification ("SIC") codes, as defined in the 1987 edition of the Federal Standard Industrial Classification Manual: SIC 2821, 2833, 2834, 2861, 2865, 2869, and 2879.
- b) The requirements of Sections 219.500 through 219.506 shall not apply to:
- 1) Any emission unit included within the category specified in 35 Ill. Adm. Code, Subpart B or T;
 - 2) Any emission unit included within the category specified in Sections 219.520 through 219.527 of this Subpart; and
 - 3) Any emission unit included within an Early Reduction Program, as specified in 40 CFR Part 63, and published in 57 Fed. Reg. 61970

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(December 29, 1992), evidenced by a timely enforceable commitment approved by USEPA.

- c) The following single unit operations and batch process trains are subject to this Subpart but are considered to be de minimis and are, therefore, exempt from the control requirements of Section 219.501 of this Subpart. However, the recordkeeping and reporting requirements in Section 219.505 of this Subpart shall apply to such de minimis single unit operations and batch process trains:
- 1) Within a batch operation, any single unit operation with uncontrolled total annual mass emissions of less than or equal to 500 lb/yr of VOM. Such single unit operations are also excluded from the calculation of the total annual mass emissions for a batch process train. If the uncontrolled total annual mass emissions from such exempt single unit operation exceed 500 lb/yr of VOM in any subsequent year, the source shall calculate applicability in accordance with subsection (d) of this Section for both the individual single unit operation and the batch process train containing the single unit operation; and
 - 2) Any batch process train containing process vents that have, in the aggregate, uncontrolled total annual mass emissions, as determined in accordance with Section 219.502(a) of this Subpart, of less than 30,000 lb/yr of VOM for all products manufactured in such batch process train.
- d) The applicability equations in subsection (e) of this Section, which require the calculation of uncontrolled total annual mass emissions and flow rate value, shall be used to determine whether a single unit operation or a batch process train is subject to the control requirements set forth in Section 219.501 of this Subpart. The applicability equation shall be applied to the following:
- 1) Any single unit operation with uncontrolled total annual mass emissions that exceed 500 lb/yr and with a VOM concentration greater than 500 ppmv. In this individual determination, no applicability analysis shall be performed for any single unit operation with a VOM concentration of less than or equal to 500 ppmv; and
 - 2) Any batch process train containing process vents which, in the aggregate, have uncontrolled total annual mass emissions of 30,000 lb/yr or more of VOM from all products manufactured in the batch process train. Any single unit operation with uncontrolled total annual mass emissions exceeding 500 lb/yr, regardless of VOM concentration, shall be included in the aggregate applicability analysis.
- e) Applicability equations
- 1) The applicability equations in this subsection are specific to volatility.
 - 2) For purposes of this subsection, the following abbreviations apply:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A) $FR =$ Vent stream flow rate, scfm;
 B) $UTAME =$ Uncontrolled total annual mass emissions of VOM, expressed as lb/yr;

C) $WAV =$ Weighted average volatility;

D) $MVOM[i] =$ Mass of VOM component i;

E) $MWVOM[i] =$ Molecular weight of VOM component i; and

F) $VP[i] =$ Vapor pressure of VOM component i.

3) Weighted average volatility shall be calculated as follows:

$$WAV = \frac{\sum_{i=1}^n \{VP[i] \times [(MVOM[i])] \}}{\sum_{i=1}^n \{MWVOM[i]\}}$$

4) For purposes of determining applicability, flow rate values shall be calculated as follows:

A) Low WAV has a vapor pressure less than or equal to 75 mmHg at 20°C (68°F), and shall use the following equation:

$$FR = [0.07 (UTAME)] - 1.821$$

B) Moderate WAV has a vapor pressure greater than 75 mmHg but less than or equal to 150 mmHg at 20°C (68°F), and shall use the following equation:

$$FR = [0.031 (UTAME)] - 1.94$$

C) High WAV has a vapor pressure greater than 150 mmHg at 20°C (68°F), and shall use the following equation:

$$FR = [0.013 (UTAME)] - 3.01$$

5) To determine the vapor pressure of VOM, the applicable methods and procedures in Section 219.111 of this Part shall apply.

(Source: Added 19 Ill. Reg. **7385**, effective MAY 22 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a) Every owner or operator of a single unit operation with an average flow rate, as determined in accordance with Section 219.502(b) of this Subpart, below the flow rate value calculated by the applicability equations contained in Section 219.500(e) of this Subpart, shall reduce uncontrolled VOM emissions from such single unit operation by an overall efficiency, on average, of at least 90 percent, or 20 ppmv, per batch cycle.

b) Every owner or operator of a batch process train with an average flow rate, as determined in accordance with Section 219.502(b)(2) of this Subpart, below the flow rate value calculated by the applicability equations contained in Section 219.500(e) of this Subpart, shall reduce uncontrolled VOM emissions from such batch process train by an overall efficiency, on average, of at least 90 percent, or 20 ppmv, per batch cycle. For purposes of demonstrating compliance with the emission limitations set forth in this Section, any control device meeting the criteria in subsection (c) of this Section shall be deemed to achieve a control efficiency of 90 percent, or 20 ppmv, per batch cycle, as applicable.

c) Notwithstanding subsection (a) or (b) of this Section, any source that has installed on or before March 15, 1995, any control device which is demonstrated to the Agency's satisfaction to be unable to meet the applicable control requirements of this Section, scrubber, or shell and tube condenser using a non-refrigerated cooling media, and such device achieves at least 81 percent control efficiency of VOM emissions, is required to meet the 90 percent emission limitation or 20 ppmv VOM concentration set forth in subsection (a) or (b) of this Section, as applicable, upon the earlier of the date the device is replaced for any reason, including, but not limited to, normal maintenance, malfunction, accident, and obsolescence, or December 31, 1999. A scrubber, shell and tube condenser using a non-refrigerated cooling media, or other control device meeting the criteria of this subsection, is considered replaced when:

- 1) All of the device is replaced; or
- 2) When either the cost to repair the device or the cost to replace part of the device exceeds 50 percent of the cost of replacing the entire device with a control device that complies with the 90 percent emission limitation or 20 ppmv VOM concentration level in subsection (a) of this Section, as applicable.

d) If a boiler or process heater is used to comply with this Section, the vent stream shall be introduced into the flame zone of the boiler or process heater.

e) If a flare is used to comply with this Section, it shall comply with the requirements of 40 CFR 60.18, incorporated by reference at Section 219.112 of this Part. The flare operation requirements of 40 CFR 60.18 do not apply if a process, not subject to this Subpart, vents an emergency relief discharge into a common flare header and causes the flare servicing the process subject to this Subpart to not comply with one or more of the provisions of 40 CFR 60.18.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added 19 Ill. Reg. **7385**, effective
MAY 22 1995)

Section 219.502 Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations

a) Uncontrolled total annual mass emissions shall be determined by the following methods:

- i) Direct process vent emissions measurements taken prior to any release to the atmosphere, following any recovery device and prior to any control device, provided such measurements conform with the requirements of measuring the mass flow rate of VOM incoming to the control device as set forth in Section 219.503(f)(2), (f)(3)(A) and (f)(3)(B) of this Subpart; or
- 2) Engineering estimates of the uncontrolled VOM emissions from a process vent or process vents, in the aggregate, within a batch process train, using either the potential or permitted number of batch cycles per year or total production as represented in the source's operating permit as follows:

A) Engineering estimates of the uncontrolled VOM emissions shall be based upon accepted chemical engineering principles, measurable process parameters, or physical or chemical laws and their properties. Examples of methods include, but are not limited to, the following:

- i) Use of material balances based on process stoichiometry to estimate maximum VOM concentrations;
- ii) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities; and
- iii) Estimation of VOM concentrations based on saturation conditions.

B) All data, assumptions and procedures used in any engineering estimate shall be documented.

b) Average flow rate shall be determined by any of the following methods:

- 1) Direct process vent flow rate measurements taken prior to any release to the atmosphere, following any recovery device and with the requirements of measuring incoming volumetric flow rate set forth in Section 219.503(e)(2) of this Subpart;
- 2) Average flow rate for a single unit operation having multiple emission events or batch process trains shall be the weighted average flow rate, calculated as follows:

$$\text{WAF} = \frac{\sum_{i=1}^n (\text{AFR}(i) \times \text{ADE}(i))}{\sum_{i=1}^n (\text{ADE}(i))}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

i=1

where:

WAF = Actual weighted average flow rate for a single unit operation or batch process train;
AFR(i) = Average flow rate per emission event;
ADE(i) = Annual duration of emission event; and
n = Number of emission events.

For purposes of this formula, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded vapor space when the single unit operation is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, according to Section 218.503(f)(2) of this Subpart, then such event is not an emission event for purposes of this Section.

3) Engineering estimates calculated in accordance with the requirements in subsection (a)(2) of this Section.

c) For purposes of determining the average flow rate for steam vacuuming systems, the steam flow shall be included in the average flow rate calculation.

(Source: Added 19 Ill. Reg. **7385**, effective
MAY 22 1995)

Section 219.503 Performance and Testing Requirements for Batch Operations

a) Upon the Agency's request, the owner or operator of a batch operation shall conduct testing to demonstrate compliance with Section 219.501 of this Subpart. The owner or operator shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in Section 219.503(d), (e), and (f) of this Subpart.

b) Notwithstanding subsection (a) of this Section, flares and process boilers used to comply with control requirements of Section 219.501 of this Subpart shall be exempt from performance testing requirements.

c) When a flare is used to comply with the control requirements of Section 219.501 of this Subpart, the flare shall comply with the requirements of 40 CFR 60.18, incorporated by reference at Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

219.112 of this Part.

d) The owner or operator of a batch operation that is exempt from the control requirements of Section 219.501 of this Subpart shall demonstrate, upon the Agency's request, the absence of oversized gas moving equipment in any manifold. Gas moving equipment shall be considered oversized if it exceeds the maximum requirements of the exhaust flow rate by more than 30 percent.

e) For the purpose of demonstrating compliance with the control requirements in Section 219.501 of this Subpart, the batch operation shall be run at representative operating conditions and flow rates during any performance test.

f) The following methods in 40 CFR 60, Appendix A, incorporated by reference at Section 219.112 of this Part, shall be used to demonstrate compliance with the reduction efficiency requirement set forth in Section 219.501 of this Subpart:

i) Method 1 or 1A, as appropriate, for selection of the sampling sites if the flow measuring device is not a rotameter. The control device inlet sampling site for determination of vent stream VOM composition reduction efficiency shall be prior to the control device and after the control device;

2) Method 2, 2A, 2C, or 2D, as appropriate, for determination of gas stream volumetric flow rate flow measurements, which shall be taken continuously. No traverse is necessary when the flow measuring device is an ultrasonic probe;

3) Method 25A or Method 18, if applicable, to determine the concentration of VOM in the control device inlet and outlet;

A) The sampling time for each run shall be as follows:

i) For batch cycles less than eight hours in length, readings shall be taken continuously over the entire length of the batch cycle with a maximum of 15-minute intervals between measurements if using Method A. If using Method 18, readings shall be taken continuously with a maximum of 15-minute intervals between measurements throughout the batch cycle unless it becomes necessary to change the impinger train, in which case a 30-minute interval shall not be exceeded.

ii) For batch cycles of eight hours and greater in length, the owner or operator may either test in accordance with the test procedures defined in subsection (f)(3)(A)(i) of this Section or the owner or operator may elect to perform tests, pursuant to either Method A or Method 18, only during those portions of each emission event which define the emission profile of each emission event occurring within the batch cycle. For each emission event of less than four hours in duration, the owner or operator shall test continuously over the entire emission event as set forth in subsection (f)(3)(A)(i) of this Section. For

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

each emission event of greater than four hours in duration, the owner or operator shall elect either to perform a minimum of three one hour test runs during the emission event or shall test continuously over the entire emission event within each single unit operation in the batch process train. To demonstrate that the portion of the emission event to be tested defines the emission profile for the emission event, the owner or operator electing to rely on this option shall develop an emission profile for the entire emission event. Such emission profile shall be based upon either process knowledge or test data collected. Examples of information that could constitute process knowledge include, but are not limited to, calculations based on material balances and process stoichiometry. Previous test results may be used provided such results are still relevant to the current process vent stream conditions.

iii) For purposes of subsection (f)(3) of this Section, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOM will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded single unit operation vapor space when the vessel is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, in accordance with subsection (f)(2) of this Section, then such event is not an emission event for purposes of this Section.

B) The mass emission rate from the process vent or inlet to the control device shall be determined by combining concentration and flow rate measurements taken simultaneously at sampling sites selected in accordance with subsection (f)(1) of this Section throughout the batch cycle;

C) The mass emission rate from the control device outlet shall be obtained by combining concentration and flow rate measurements taken simultaneously at sampling sites selected in accordance with subsection (f)(1) of this Section throughout the batch cycle; and

D) The efficiency of the control device shall be determined by integrating the mass emission rates obtained in subsections

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- 2) scrubrant liquid, each equipped with a continuous recorder; or
A VOM monitoring device used to indicate the concentration of VOM exiting the control device based on a detection principle such as infra-red photoionization, or thermal conductivity, each equipped with a continuous recorder.
- d) Every owner or operator using a condenser to comply with Section 219.501 of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, the following:
 - 1) A condenser exit temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius; or
 - 2) A VOM monitoring device used to indicate the concentration of VOM such as infra-red, photoionization, or thermal conductivity, each equipped with a continuous recorder.
- e) Every owner or operator using a carbon adsorber to comply with this Subpart shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, the following equipment:
 - 1) An integrating regeneration steam flow monitoring device having an accuracy of ± 10 percent, and a carbon bed temperature monitoring device having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius, both equipped with a continuous recorder; or
 - 2) A VOM monitoring device used to indicate the concentration level of VOM exiting such device based on a detection principle such as infra-red, photoionization, or thermal conductivity, each equipped with a continuous recorder.
- f) Every owner or operator using a boiler or process heater with a design heat input capacity less than 44 Mw to comply with Section 219.501 of this Subpart shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, a temperature monitoring device in the firebox with an accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius, equipped with a continuous recorder. Any boiler or process heater in which all process vent streams are introduced with primary fuel is exempt from this requirement.
- g) The owner or operator of a process vent shall be permitted to monitor by an alternative method or may monitor parameters other than those listed in subsections (a) through (f) of this Section, if approved by the Agency and USEPA. Such alternative method or parameters shall be contained in the source's operating permit as federally enforceable permit conditions.
- h) Notwithstanding subsections (a) through (g) of this Section, sources using a scrubber, shell and tube condenser using a non-refrigerated cooling media, or other control device meeting the criteria of Section 219.501(c) of this Subpart, are required to monitor compliance with the requirements of this Subpart on and after the earlier to occur of the date such device is replaced for any reason or December 31, 1999.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- g) (f)(3)(B) and (f)(3)(C) of this Section, over the time of the batch cycle and dividing the difference in inlet and outlet mass flow totals by the inlet mass flow total.
- h) Upon request by the Agency to conduct testing, an owner or operator of a batch operation which has installed a scrubber, a shell and tube condenser using a non-refrigerated cooling media, or any other control device which meets the criteria of Section 219.501(c) of this Subpart, shall demonstrate that such device achieves the control efficiency applicable within Section 219.501 of this Subpart upon the earlier to occur of the date the device is replaced or December 31, 1999.
- i) The owner or operator of a batch operation may propose an alternative test method or procedures to demonstrate compliance with the control requirements set forth in Section 219.501 of this Subpart. Such method or procedures shall be approved by the Agency and USEPA as evidenced by federally enforceable permit conditions.
- j) In the absence of a request by the Agency to conduct performance testing in accordance with the provisions of this Section, a source may demonstrate compliance by the use of engineering estimates or process stoichiometry.

(Source: May 19 1995 at Ill. Reg., effective 73 85)

Section 219.504 Monitoring Requirements for Batch Operations

- a) Every owner or operator using an afterburner to comply with Section 219.501 of this Subpart shall install, calibrate, maintain and operate, according to manufacturer's specifications, temperature monitoring devices with an accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius, equipped with continuous recorders.
 - 1) Where a catalytic afterburner is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.
 - 2) Where an afterburner other than a catalytic afterburner is used, a temperature monitoring device shall be installed in the combustion chamber.
- b) Every owner or operator using a flare to comply with Section 219.501 of this Subpart shall install, calibrate, maintain and operate, according to manufacturer's specifications, a heat sensing device, such as an ultra-violet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.
- c) Every owner or operator using a scrubber to comply with this Section 219.501 of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, the following:
 - 1) A temperature monitoring device for scrubrant liquid having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius and a specific gravity device for

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 19 Ill. Reg. 7385, effective MAY 22 1995)

Section 219.505 Reporting and Recordkeeping for Batch Operations

- a) Every owner or operator of a de minimis single unit operation or batch process train exempt under Section 219.500(c)(1) or (c)(2) of this Subpart shall keep records of the uncontrolled total annual mass emissions for any de minimis single unit operation or batch process train, as applicable, and documentation verifying these values or measurements. The documentation shall include the engineering calculations, any measurements made in accordance with Section 219.503 of this Subpart, and the potential or permitted number of batch cycles per year, or, in the alternative, total production as represented in the source's operating permit.
- b) Every owner or operator of a single unit operation exempt under Section 219.500(b)(3) or (d) of this Subpart shall keep the following records:
- 1) The uncontrolled total annual mass emissions and documentation verifying these values or measurements. The documentation shall include any engineering calculations, any measurements made in accordance with Section 219.503 of this Subpart, and the potential or permitted number of batch cycles per year, or, in the alternative, total production as represented in the source's operating permit.
 - 2) The average flow rate in scfm and documentation verifying this value.
- c) Every owner or operator of a batch operation subject to the control requirements of Section 219.501 of this Subpart shall keep records of the following parameters required to be monitored under Section 219.504 of this Subpart:
- 1) If using a thermal or catalytic afterburner to comply with Section 219.501 of this Subpart, records indicating the average combustion chamber temperature of the afterburner (or the average temperature upstream and downstream of the catalyst bed for a catalytic afterburner), measured continuously and averaged over the same time period as the performance test;
 - 2) If using a flare (i.e., steam-assisted, air-assisted or nonassisted) to comply with Section 219.501 of this Subpart, continuous records of the flare pilot flame monitoring and records of all periods of operations during which the pilot flame is absent.
 - 3) If using any of the following as a control device, the following records:
 - A) Where a scrubber is used, the exit specific gravity (or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the Agency) and the average exit temperature of the absorbing liquid,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

measured continuously and averaged over the same time period as the performance test (both measured while the vent stream is routed normally);

- B) Where a condenser is used, the average exit (product side) temperature measured continuously and averaged over the same time period as the performance test while the vent stream is routed normally;
- C) Where a carbon adsorber is used, the total steam mass flow measured continuously and averaged over the same time period as the performance test (full carbon bed cycle), temperature of the carbon bed after regeneration (and within 15 minutes after completion of any cooling cycle(s)), and duration of the carbon bed steaming cycle (all measured while the vent stream is routed normally); or
- D) As an alternative to subsections (C)(3)(A), (C)(3)(B), or (C)(3)(C) of this Section, at a minimum, records indicating the concentration level or reading indicated by the VOM monitoring device at the outlet of the scrubber, condenser, or carbon adsorber, measured continuously and averaged over the same time period as the performance test (while the vent stream is routed normally).
- d) Every owner or operator of a single unit operation claiming a vent stream concentration exemption level, as set forth in Section 218.500(d)(1) of this Subpart, shall maintain records to indicate the vent stream concentration is less than or equal to 500 ppmv, and shall notify the Agency in writing if the vent stream concentration at any time equals or exceeds 500 ppmv, within 60 days after such event. Such notification shall include a copy of all records of such event.
- e) An owner or operator of a batch operation subject to the control requirements of Section 219.501 of this Subpart may maintain alternative records other than those listed in subsection (c) of this Section. Any alternative recordkeeping shall be approved by the Agency and USEPA and shall be contained in the source's operating permit as federally enforceable permit conditions.
- f) Notwithstanding subsections (a) through (e) of this Section, any owner or operator of a batch operation which uses either a scrubber, shell and tube condenser using non-refrigerated cooling media, or other control device meeting the criteria of Section 219.501(c) of this Subpart, is required to monitor compliance with the requirements of this Subpart on and after the earlier to occur of the date such device is replaced for any reason or December 31, 1993.
- g) The owner or operator of a de minimis single unit operation or batch process train exempt from the control requirements of Section 219.501 of this Subpart shall notify the Agency in writing if the uncontrolled total annual mass emissions from a de minimis single unit operation or batch process train exceed the threshold in Section 219.500(c)(1) or (c)(2) of this Subpart, respectively, within 60 days after the event occurs. Such notification shall include a copy of all

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

records of such event.

- h) Every owner or operator of a batch operation required to keep records under this Section shall maintain such records at the source for a minimum period of three years and shall make all such records available to the Agency upon request.

(Source: Added 19 Ill. Reg. 7385, effective MAY 22 1995)

Section 219.506 Compliance Date

Every owner or operator of a batch operation subject to Sections 219.500 through 219.506 of this Subpart shall comply with its standards, limitations and mandates by March 15, 1996, or upon initial start up, whichever is later.

(Source: Added 19 Ill. Reg. 7385, effective MAY 22 1995)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part:

Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs

- 2) Code Citation:

77 Ill. Adm. Code 510

- 3) Section Numbers:

Adopted Action:

510.10	Repealer
510.20	Amendments
510.30	Repealer
510.40	Amendments
510.60	Amendments
510.70	Amendments
510.80	Amendments
510.90	Amendments
510.100	Amendments
510.110	Amendments
510.120	Amendments
510.130	Amendments
510.Appendix A	New Section
510.Appendix B	New Section
510.Appendix C	New Section

- 4) Statutory Authority:

Section 11-501 of the Illinois Vehicle Code
Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 11-501 et seq.
[625 ILCS 5/11-501]

- 5) Effective Date of Rules:

June 1, 1995

- 6) Does this Rulemaking Contain an Automatic Repeal Date? No

- 7) Does this Rulemaking Contain Any Incorporations By Reference? Yes

- 8) Date Filed in Agency's Principal Office:

June 1, 1995

- 9) Date Notice(s) of Proposal was Published in Illinois Register:

January 13, 1995 - 19 Ill. Reg. 185

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In line 28, strike out ".2".
2. In lines 48, 51, 57, 61, 63, 67, 77, 82, 87, 90, 96, 102, and 105, strike out the quotation marks.
3. In lines 53 and 98, delete the quotation marks.
4. In line 69, delete "interfering".
5. In line 118, strike out "automatic" and insert "automatically".
6. In lines 122 and 123, delete "Each instrument shall contain a radio frequency and acetone detection and reporting systems" and insert "Each instrument shall be designed to protect against or report radio frequency and acetone impacts on the instrument's analytical process."
7. In line 146, close up the space in "U. S."
8. In line 166, add "or a foreign substance" after "alcohol".
9. In line 216, strike out "providing" and insert "provided".
10. In line 229, strike out "in" and insert "of".
11. In line 414, strike out "type" and insert "type".
12. In line 439, relace "bloodsample" with "blood sample".
13. In line 442, delete "voiding" and insert "emptying".
14. In line 472, delete "vold" and insert "empty".
15. In line 494, strike out "d)" and insert "e".
16. In line 508, strike out "e)" and insert "f".
17. In line 606, underline "Section 510.APPENDIX A Sample Logbook Sheet".
18. In line 611 and 612, underline "Section 510.APPENDIX B List of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Illinois Approved Evidential Breath Analysis Instruments".

19. In lines 617 and 618, underline "Section 510.APPENDIX C List of Illinois Approved Preliminary Breath Screening Analysis Instruments".
20. In Section 510.APPENDIX A, the Department will replace "Section 150" in the heading with "Section 510."
21. In Section 510.APPENDIX A, the Department will change the "Age" column to "Zero Tol." The word "Age" in the "NOTE" will be changed to "Zero Tolerance."
22. In Section 510.APPENDIX B, the "E" underneath the heading "MOBILE" will be deleted, and the "E" underneath the heading "NONMOBIL" will be moved to the end of "NONMOBIL."
23. In Section 510.APPENDIX B, an "X" will be added in the "MOBILE" column for "Intox EC-IR."
24. In Section 510.APPENDIX B, delete "Alcosensor IIR" and the 2 "Xs" and replace "Alcosensor IV" with "RBT IV".
25. In Section 510.APPENDIX C, delete "RBT IIR" and the 2 "Xs" and delete "RBT IV" and the 2 "Xs".

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In lines 55, 56, 100 and 387, add ".2(a)" after "11-501".
2. In line 55-56, delete the Illinois Revised Statutes citation.
3. In line 90, change "Log Bookbook" to "Logbook Beg-Back".
4. In line 182, delete the comma.
5. In line 189, delete "successfully" and "(minimum passing score; 70%)".
6. In line 200, add "(minimum passing score, 70 percent)" after "pass".
7. In line 267, delete "terminated".
8. In line 273, change "Automatically terminate when the" to "The".
9. In lines 327-329, strike the Illinois Revised Statutes citation.
10. In line 338, strike "under subsection (b) of the Part" and delete

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- "Section".
11. In line 358, add "(see Appendix A of this Part)" after "book".
12. In lines 358 and 364, strike "log book" and add "logbook".
13. In line 362, change "and" to "or".
14. In line 502, add "and" after "content," strike the comma after "individual" and delete "etc..".
15. In line 515, add "11-501.2(a) of the" after "Section" and strike "3 of The".
16. In lines 531-532, change "After meeting the following conditions:" to "The following conditions must be met by laboratories:".
17. In line 533, delete the commas before and after "at least".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rules:

Section 510.10 - This Section is being repealed, since the information is included in the Authority Note.

Section 510.20 - This Section is being amended to add definitions for "alcohol concentration," "foreign substance," "ingested" and "other qualified person" to clarify their meanings and usage in the following text. Clarifying language is added to existing definitions for "certified control reference sample," "inert stopper," "logbook" and "phlebotomist" to respond to judicial circuit and appellate concerns.

Section 510.30 - The Department is repealing this Section and changing masculine references in the text to include female gender.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 510.40 - This Section is being amended to include format and typographical changes and to update specifications on approvable instrumentation and Federal Register citations.

Section 510.60 - Format and typographical changes are included and procedures are updated to respond to judicial circuit and appellate concerns. Added procedural components should eliminate a specious defense, i.e., mouth alcohol, and clarify the language regarding items that could potentially affect a test cycle.

Section 510.70 - Format and typographical changes are included, as well as clarification of what constitutes a successful completion of the required training for licensure as an operator. Termination criteria for instructors, similar to those for operators, are added.

Section 510.80 - The relicensing cycle is changed from one to two years.

Section 510.90 and 510.100 - Format and technical changes are being made.

Section 510.110 - The Department has eliminated the use of reusable blood collection devices and reduced the amount of time laboratories are required to retain duplicate samples. Clarifying language has been added for urine testing for drugs or alcohol. The blood and urine reporting requirements have been revised in line with current electronic techniques.

Section 510.120 - Format and technical changes have been made.

Section 510.130 - The list of approved units has been deleted. This information is now included in Appendix C.

Section 510.Appendix A - This Appendix is added to illustrate a sample logbook sheet.

Section 510.Appendix B - This Appendix is added to list Illinois approved evidential breath analysis instruments (data formerly included in Section 510.40(b)).

Section 510.Appendix C - This Appendix is added to list Illinois approved preliminary breath screening analysis instruments (data formerly included in Section 510.130(e)).

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail Devito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 510

TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS

Section

510.10 Authority (Repealed)

510.20 Definitions

510.30 Construction of Rules (Repealed)

510.40 Evidential Instruments for Analyzing the Alcohol Content of Blood--By Breath

510.50 Assaying of Ampoule Solutions (Repealed)

510.60 ~~Standards for the~~ Operation of Approved Breath Analysis Instruments

510.70 Licensing of Operator

510.80 Requirements for Renewal of License

510.90 Revocation and Denial of License

510.100 Examining and Certifying Instruments

510.110 ~~Standards and Procedures for~~ Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content

510.120 Approval of Laboratories and Laboratory Technicians

510.130 Preliminary Breath Screening Test Units (BWT-SPTs)

APPENDIX A

Sample Logbook Sheet

APPENDIX B

List of Illinois Approved Evidential Breath Analysis

Instruments

List of Illinois Approved Preliminary Breath Analysis

Instruments

AUTHORITY: Implementing and authorized by Section 11-501 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501) [625 ILCS 5/11-501].

SOURCE: Filed September 18, 1972; new rules adopted at 5 Ill. Reg. 14152, effective January 1, 1982; rules repealed at 6 Ill. Reg. 365, effective January 1, 1982; amended at 7 Ill. Reg. 1917, effective January 28, 1983; codified at 8 Ill. Reg. 14271; amended at 9 Ill. Reg. 9154, effective June 3, 1985; amended at 12 Ill. Reg. 20211, effective December 1, 1988; amended at 14 Ill. Reg. 19052, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 7718, effective May 1, 1991; amended at 19 Ill. Reg. 2412, effective

JUN 01 1995

Section 510.10 Authority (Repealed)

This Part is promulgated by the Department of Public Health, State of Illinois, in consultation with the Department of Law, in accordance with authority prescribed in Section 11-501 of the Illinois Vehicle Code (Ill. Rev.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Stat:-1987-ch-95-1-27-par:-11-501.2:-et-seq-7

(Source: Repealed at 19 Ill. Reg. **7412**, effective

JUN 01 1995)

Section 510.20 Definitions

"Agency" ~~shall-mean~~ -- County, Municipal, State or Federal law enforcement agency, involved in the use of a breath analysis instrument.

"Alcohol" ~~shall-mean~~ -- ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

~~Alcohol Concentration -- either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (Section 11-501.2(a) of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)])~~

~~"Certified Controlled Reference Sample" shall-mean -- a suitable reference of known ethyl-alcohol concentration prepared by a laboratory certified by the Department and used solely for the purpose of test instrument certification and/or calibration.~~

~~"Department" shall-mean -- the Illinois Department of Public Health.~~

~~"Director" shall-mean -- the Director of the Illinois Department of Public Health.~~

~~Foreign Substance -- any substance not presently in the subject's body, excluding those due to normal breathing.~~

~~"Inert Stopper" shall-mean -- a stopper that-would-not-either-add-to or-subtract-from-the-concentration-of that contains no substance(s) that will interfere with the analysis of blood or urine for alcohol and/or other drugs as when measured by-acceptable-chemical-procedures against a certified controlled reference sample.~~

~~Ingested -- eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.~~

~~"Inspector" shall-mean -- a licensed breath analysis instrument operator, who through specialized training is authorized by the Department to examine, certify, and maintain breath analysis instruments and to administer practical examinations to the operators.~~

~~"Instruments" shall-mean -- any item or combination of items of~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

equipment approved by the Department and used to make a measurement of blood breath alcohol concentrations by breath analysis--~~simple--and complex-devices-are-included-in-this-meaning.~~

~~"License" shall-mean -- evidence issued by the Department to an individual as proof of his/her authority and competence to operate a breath analysis instrument.~~

~~"Logbook" Book "shall-mean -- a written business record maintained by the-law-enforcement agency for of tests performed according-to standards-and-procedures by operators and monthly accuracy checks performed by inspectors in accordance with this part on each instrument for use in court (see Section 510. Appendix A, Sample Logbook Sheet).~~

~~"Operator" shall-mean -- any individual licensed by the Department to operate a breath analysis instrument.~~

~~Other Qualified Person -- a person trained and employed by a licensed medical facility or affiliate as a phlebotomist regardless of job title. (Section 11-501.2(a) of the Illinois Vehicle Code)~~

~~"Phlebotomist" shall-mean -- a person who uses venesection venipuncture to collect blood from another individual generally-for diagnostic-purposes.~~

~~"W/V" shall-mean -- weight of alcohol in the volume of blood, breath, or certified controlled reference sample.~~

(Source: Amended at 19 Ill. Reg. **7412**, effective **JUN 01 1995**)

Section 510.30 Construction of Rules (Repealed)

~~Words-in-this-Part-importing-the-masculine-gender-may-be-applied-to-females-~~

(Source: Repealed at 19 Ill. Reg. **7412**, effective **JUN 01 1995**)

Section 510.40 Evidential Instruments for Analyzing the Alcohol Content of Blood-By Breath

a) Any evidential breath testing instrument to be approved must automatically display the test results visually to the arrested person and provide for an automatically printed test record. Each printed recording shall also contain an ~~automatic~~ automatically printed record of the reading of the testing device made immediately prior to the recording of the tested person. Each instrument shall be designed to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

protect against or report radio frequency and acetone impacts on the instrument's analytical process.

- b) ~~instruments-to-be-approved--shall-utilize--the--infra-red--absorption method-of-breath-analysis-for-blood-alcohol-concentration:~~
~~1) the--intoxilyzer--models--4010A7-4011AS-4011AS7-4011AS7-and-50007~~
~~the-AB60MAY-Alcotest-7110-BAC-Verifier-And-Data-Master--Model7~~
~~Breathalyzer--Model--2000--the--intoximeter--model--3000--are~~
~~instruments--using--the--infra-red--absorption--method--and--have--been~~
~~approved--by--the--Department.~~

c) Breath testing instruments to be approved in Illinois must be listed in the Qualified Conforming Products Lists of Evidential Breath Measuring Devices prepared by the National Highway Traffic Safety Administration of the U. S. Department of Transportation and published in the Federal Register, Vol. 59, No. 76, Wednesday, April 20, 1994, pp. 18839-18840, no further amendments or editions included. For further information, contact your local federal depository library or Office of Alcohol and State Programs, NTS-21, 400 Seventh Street SW, Washington, DC 20590; Telephone: (202)366-9825.

d) Instruments which meet the provisions of subsection--510-40 subsections (a)7 and (b) and--of this Section will be tested and approved by the Department in accordance with but not limited to the Standards for Devices to Measure Breath Alcohol which--were promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation in the Federal Register, Vol. 49, No. 242, Friday, December 14, 1984, pp. 48854-48872, or Federal Register, Vol. 58, No. 179, Friday, September 17, 1993, pp. 48705-48710, no further amendments or editions included. A review of such approval shall occur at periodic intervals not to exceed five years. The list of approved evidential breath analysis instruments can be found in Section 510.60 Appendix B.

e) Any manufacturer who sells evidential breath analysis instruments to an agency or the Department in Illinois shall report to the Department all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

(Source: Amended at 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.60 Standards--for--the Operation of Approved Breath Analysis Instruments

Procedures for breath alcohol analysis shall include the following requirements in conjunction with the testing of each subject:

- a) Continuous observation of the subject shall be conducted for at least twenty(20) minutes prior to collection of the breath specimen, during which period the subject shall be deprived of alcohol or a foreign substance, i.e., must not have ingested alcohol, food, drink, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall not have regurgitated, or vomited or smoked.

- 1) If the subject regurgitates or vomits during the observation (deprivation) period, the process shall be started over by having the individual rinse the oral cavity with water. If the individual continues to regurgitate or vomit, blood and/or urine testing shall be considered.

2) The arresting agency shall decide if a blood and/or urine specimen is to be requested.

- b) A breath test shall consist of only one (1) breath analysis.
 c) Before a breath analysis is completed, a room-air analysis must be conducted, the results of which must be less than 0.01 reading.
 d) Each test shall be performed according to an operational procedure approved by the Department, which shall be based upon but not limited to the manufacturer's recommended testing procedure.

(Source: Amended at 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.70 Licensing of Operator

a) To be eligible for license examination to qualify as an operator of a breath analysis instrument, the individual shall be employed by a law-enforcement agency or the Department, and shall have completed a training curriculum approved by the Department. This training curriculum shall include a minimum of thirty-two(32) hours of instruction, which includes the following:

- 1) Presentation, discussion, and demonstration of the psychological, physiological and pharmacological effects of alcohol in the human body;

2) Theory of instruments used in the analytical process which measures alcohol concentration;

3) Practical application in the use of the instrument.

4) A curriculum approved by the Department.

- b) An individual to be licensed under this Part shall pass (minimum passing score, 70 percent) the standardized written Examination for Breath Test Operator Instructor provided by the Department and satisfactorily complete the minimum practical proficiency examination administered by an inspector assigned by the Department.

c) Termination of License

- 1) A license shall be valid for a period of twelve(12) 24 months from the date of issuance. If the license is not renewed as provided for in Section 510.90 of this Part, it shall terminate twelve(12) 24 months from the date of issuance.

2) A license shall automatically terminate when the licensee/operator is no longer employed by a law-enforcement agency or the Department.

- d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating and air conditioning

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- conditions.
- e) An operator currently licensed under another jurisdiction may apply for licensure in Illinois providing provided that he has successfully completed training which that equals or exceeds the requirements specified in this Section. Upon approval of the application by the Department, the applicant must successfully complete an approved 4-hour review course as stipulated under Section 510.80(b)(4).
- f) If the licensee/operator changes employment, he/she shall immediately notify the Department. If the licensee/operator resigns from an agency and is employed by another approved agency prior to the date his the license terminates, the Department shall reissue the license to that operator for the remainder of the period of his the previous license.

g) Instructor Qualifications

- 1) Instructors ~~in~~ of courses designed to qualify persons for a license to conduct breath analysis for alcohol shall have successfully completed a 32-hour course in compliance with subsections (a)(1), (2) and (3) of this Section.
- 2) Any person desiring to qualify as an instructor shall have at least 3 three years experience as a licensed breath analysis instrument operator, and shall submit an application to the Department on a prescribed form listing all technical and educational background.
- 3) Persons desiring to qualify as an instructor shall successfully pass the written examination with a minimum grade of 70% percent. This examination shall be administered by the Department. It shall contain questions on the subjects of the psychological, physiological and pharmacological effects of alcohol, and the theory of instruments approved for use in Illinois to conduct an analysis by breath for alcohol in the human body. The prospective instructor must also demonstrate his the ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department.
- 4) The Department shall establish locations for instructor qualification examinations in Chicago, Springfield and Carbondale, and shall hold such examinations at least annually.
- 5) All qualified instructors shall be re-licensed biannually. In each 24 month period the instructor shall demonstrate to an Inspector of the Department his the ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department. The Instructor shall also successfully pass the written examination with a minimum grade of 70% percent. The re-licensing examination shall consist of questions on the theory of instruments used in Illinois, and the psychological, physiological and pharmacological effects of alcohol on the human body.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 6) The license of ~~a~~ an instructor shall be denied or revoked for the following reasons:
- A) Inability to pass a practical or written examination;
 - B) Distribution or unauthorized release of student examination questions;
 - C) Dismissal from his the agency of employment;
 - D) The instructor is no longer employed by a group conducting an approved curriculum.
- 7) The process of denial, revocation, and appeal shall follow the procedure as specified in ~~Sections~~ Section 510.90(c)(1), (2), and (3), and (d), and (e) of this Part.

(Source: Amended at 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.80 Requirements for Renewal of License

- a) ~~Each operator must be re-examined prior to relicensure by the Department. This will be done on the following basis: in each twelve (12) month period, the operator regardless of the number of analyses he conducts must successfully administer two (2) analyses using a certified controlled reference sample in the presence of an inspector.~~
- ba) Within a two-year (2) period each operator must complete the following:

- 1) Review of theory and practice with the instrument;
 - 2) Review of standards and procedures;
 - 3) Discussion of current and related problems in the field;
 - 4) Successfully pass both the standardized written examination provided by the Department and the uniform practical proficiency examination administered by an inspector assigned by the Department.
- cb) The Department will designate sites and dates for retraining classes and notify the head of the agency by letter which operators shall attend. Designation of sites and scheduling of classes will be arranged to minimize travel.
- dc) Retraining classes will be held in locations approved by the Department based upon appropriate lighting, space, heating and air conditioning conditions.

(Source: Amended at 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.90 Revocation and Denial of License

- a) The following are grounds for the revocation of a license issued to the operator of a breath analysis instrument:
- 1) Misuse of the instrument by the operator in such a way that the operator is in violation of State statutes or ~~these rules~~ this

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Part.

2) Upon receipt of a complaint to the Department, a licensed operator may be subject to review by an inspector in the operation of the instrument using a certified controlled reference sampler, and, at which time his failure or refusal to perform analysis properly may be grounds for license revocation upon such recommendation of the inspector.

3) Dismissal of the operator from his employing agency.

b) A renewal of a license under Section 510.80 or reissuance of a license pursuant to Section 510.70(f) may be denied for the following reasons:

- 1) Any grounds for revocation set forth in Section 510.90(a).
- 2) Failure to comply with Section 510.80(a) and (b).

c) Notice of administrative hearing and summary suspension:

- 1) In any action to revoke or deny a license the Department shall give the operator a notice of an opportunity for an administrative hearing as provided for in the Illinois Administrative Procedure Act (411 Rev. Stat. 1983, ch. 127, par. 1002-1-et-seq.) [5 ILCS 100] and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm Code 100).

2) If the Department finds that the public interest, safety or welfare imperatively requires emergency action, the Department shall incorporate a finding to that effect in an order summarily suspending a license pending proceedings for revocation or denial of license. The administrative proceeding shall be promptly instituted and determined.

3) If the Department orders the summary suspension of a license under subsection (b) of this Part, a copy of the Order shall be accompanied by a notice of an opportunity for an administrative hearing.

d) The administrative hearing provided for in Section 510.90 subsection (c) of this Section shall be conducted by a Hearing Officer who is a person designated in writing by the Director to conduct the hearing.

e) The Illinois Administrative Procedure Act (411 Rev. Stat. 1983, ch. 127, par. 1001-et-seq.) and the Department's Rules of Practice and Procedure in Administrative Proceedings (77 Ill. Adm. Code 100) Hearings shall govern the administrative hearings provided for in Section 510.90 subsection (c) of this Section.

(Source: Amended at 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.100 Examining and Certifying Instruments

a) An instrument must be accurate within plus or minus 0.01% W/V to be certified. To determine accuracy of instruments, an inspector shall perform two (2) analyses on a certified controlled reference sample at least once a month at intervals not to exceed 45 days. The inspector

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall record test results of his certification in the instrument logbook (see Appendix A of this Part) log-book. The original certification test results will be retained by the inspector.

b) Breath analysis instruments used shall be examined and certified by an inspector:

- 1) Prior to being placed in operation; or
- 2) After being repaired or recalibrated.
- c) All agencies are to have their breath analysis instrument and logbook log-book available for examination by an inspector.
- d) An operational procedure approved pursuant to Section 510.60(d) shall be at each instrument location.
- e) An inspector must be notified when an agency has a malfunctioning instrument which that needs repair.

(Source: Amended at 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.110 Standards and Procedures for Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content

a) Blood Collection. When a person is arrested and the arresting officer requests a blood test to determine the amount of alcohol or other drugs present, the blood sample shall be collected according to the following procedure(s)

- 1) The blood sample shall be collected in the presence of the arresting officer or other representative of the arresting officer's agency who can authenticate the sample.
- 2) The blood sample shall be collected per venipuncture by a physician licensed to practice medicine by a registered nurse or by a trained phlebotomist acting under the direction of a registered nurse, or other qualified person trained in venipuncture (a phlebotomist) and acting under the direction of a licensed physician. (See Illinois (a) of the Illinois Vehicle Code)
- 3) Disinfectant. A disinfectant containing no alcohol or other volatile organic substance shall be used to clean the skin where a specimen is to be collected.
- 4) Equipment for Collection of Blood Samples:

A) Sterile, dry, hypodermic needles and syringes or vacuum type blood collecting containers shall be used.Reusable equipment, if used, shall not be cleaned or kept in alcohol or other volatile organic solvent.

B) When hypodermic needles and syringes are used, the sample obtained shall be dispensed in appropriate equal volume increments (2) clean, dry containers. Alcohol or other volatile organic solvent shall not be used to clean the container. The blood shall be mixed with an anticoagulant preservative which will not interfere with the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

intended--analytical--method--The containers--shall--be--closed with--inert--stoppers--

(e)B) When--vacuum--type--blood--collecting--containers--are--to--be--used as--primary--collecting--tubes--two--two (2) tubes should will be collected, each containing an anticoagulant/preservative which that will not interfere with the intended analytical method.

BC) Labeling and care of blood samples

i) The individual containers shall be appropriately--and securely labeled to provide the following information: Name of accused; date and time of collection; collecting attendant; authorizing officer's signature or initials and agency identification; and type of anticoagulant/preservative.

ii) The identity and integrity of the sample shall be maintained through collection to analysis and reporting.

BD) The blood samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120.)

BE) The testing laboratory shall utilize use one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at--least--one--(1) year six months if sufficient sample is submitted.

GF) When--drugs--other--than--alcohol--are--suspected--a--urine specimen--of--approximately--30--ml--should--accompany--the--blood sample--but--shall--not--be--submitted--in--lieu--of--the--blood sample--the--urine--sample--shall--be--collected--from--the accused's--first--voiding--of--the--bladder--in--a--manner--to preserve--the--dignity--of--the--individual--and--the--integrity--of the--sample--and--in--accordance--with--subsection--(c)(1).

b) Blood and urine samples shall be tested to determine the concentration of alcohol and/or other drugs present by a laboratory method acceptable in a court of law.

c) Urine collection, if drugs other than alcohol are suspected.

1) A urine specimen of approximately 30 ml should accompany the blood sample, but shall not be submitted in lieu of the blood sample.

2) The urine sample shall be collected from the accused's first emptying of the bladder in a clean, dry container.

3) Approximately equal volumes shall be dispensed directly into two identical containers. No preservatives shall be used. The containers shall be closed with inert stoppers.

4) Each of the containers shall be labeled and provide the following information:

A) Name of accused;

B) Date and time of collection;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

C) Collecting attendant;

D) Authorizing officer's signature or initials and agency identification.

d) Urine collection, if a blood alcohol could not be determined from other biological sources.

1) A urine sample should be considered only when other methods to determine equivalent alcohol concentration in the blood are not practicable, due to the condition of the individual. A specimen of urine, when collected, shall be collected in a manner to preserve the dignity of the individual and to insure the integrity of the sample. When a person is arrested and the arresting officer requests a urine test, the urine sample should be collected according to the following procedures:

A) Urine samples shall be collected in the presence of the arresting officer or a representative of the arresting officer's agency who can authenticate the sample. The officer or representative shall be of the same sex as the subject undergoing testing.

B) For alcohol analysis only, the the accused shall empty his/her bladder, and the urine shall be discarded. One-half hour later the accused shall again be requested to empty void the bladder, and the specimen shall be collected in a clean, dry container and dispensed in approximately equal volumes directly into two two containers. No preservative shall be used. The containers shall be closed with inert stoppers.

C) Each of the individual containers shall be appropriately--and securely labeled to and provide the following information:

i) Name of accused;

ii) Date and time of collection;

iii) Collecting attendant;

iv) Authorizing officer's signature or initials and agency identification.

2) The identity and integrity of the samples shall be maintained through collection to analysis and reporting.

A) The urine samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120.)

B) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of at--least--one--(1) year six months if sufficient sample is submitted.

e) d) Reporting of Results. The original analysis report of--the--analysis shall be returned to the submitting agency only. A duplicate copy of the--report--of--the--analysis shall be retained in the testing laboratory for a--period--of--at--least two (2) years. All laboratories shall submit to the Department of--Public--Health all analyses results of blood and/or urine of for alcohol, drug content, and age of individual

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

without identifying the individual on a quarterly basis using electronic data transfer techniques. The results of these analyses will be kept by the Department and data will be used only for statistical purposes. Results are to be submitted to the Illinois Department of Public Health, Division of Alcohol and Substance Testing Program, 535 525 West Jefferson, Springfield, Illinois 62761; Telephone: (217) 782-1571.

e)f) When the Accused requests an additional chemical analysis, the person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. (Section 11-501.2(a) of the 9th of the Illinois Vehicle Code). The test must be conducted in accordance with procedures in Section 510-110 subsections (a) through (c) of this Section except those provisions which require the presence and signature of the arresting officer or his/her representative and those provisions in subsection (a)(2) of this Section.

(Source: Amended 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.120 Approval of Laboratories and Laboratory Technicians

a) Only laboratories certified by the Department and which that employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has had at least five years experience in the specialty of analytical chemistry shall may be deemed qualified to detect and or quantitate alcohol and/or other drugs in human biologic fluids. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in the laboratory. The following conditions must be met by laboratories:

b)1) Prior to initial laboratory certification, and at least annually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens submitted by the Department for this purpose or by participation in a program or programs of proficiency testing conducted by an agency or agencies approved by the Department.

c)2) An applicant for certification under this rule this Part shall furnish evidence of competent supervision by a person who meets the qualifications set forth in Section 510-120 subsection (a) of this Section.

d)3) Upon evidence that a laboratory has complied with Section 510-120 subsection (a)1) and 2) of this Section, a letter of certification listing those technicians authorized to perform appropriate tests shall be issued, and such certification shall be valid for twelve

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

months from the date of issuance by the Department. It may be renewed from year to year upon submission by the holder of the certification of evidence that he continues to perform laboratory analyses for alcohol and/or other drug content in human biologic fluids under the supervision of a person meeting the qualifications set forth in Section 510-120 subsection (a) of this Section and upon the Department's determination that the laboratory is satisfactorily complying with Section 510-120 subsection (b) of this Section.

(Source: Amended at 19 Ill. Reg. 7412, effective JUN 01 1995)

Section 510.130 Preliminary Breath Screening Test Units (PBTs) (PBTs)

a) Preliminary breath test units are portable electrically or battery powered units, used to determine if alcohol is present in the tested subject's breath.

b) Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department (see Section 510.130 Appendix C). No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument which that is not approved after initial testing shall be re-tested at the request of the manufacturer.

c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.

d) Unit Approval Displays

1) Units listed as Pass/Fail will indicate alcohol levels as follows:

A) Green Indicator Light - A level of .00 to .05, .049.

B) Amber Indicator Light - A level of .05 to .099.

C) Red Indicator Light - A level of .10 or higher.

2) Units listed as Digital Read will indicate alcohol levels by numeric indication of two digits (.00) on a visible screen.

3) Units listed as Digital Pass/Fail will indicate levels of alcohol impairment by a numeric or letter message on the unit screen for .05 to .10 levels.

e) Units Approved:

1) All PBTs, HBTs, and HBTs and HBTs Models

All PBTs, HBTs and HBTs Models

Manufactured by Approved Technology, Inc. P.O. Box 99999

Grand Rapids, MI 49508

2) All PBTs

All PBTs, HBTs and HBTs Models

Manufactured by Approved Technology, Inc. P.O. Box 99999

Grand Rapids, MI 49508

3) All PBTs and HBTs

All PBTs and HBTs Models

Manufactured by Approved Technology, Inc. P.O. Box 99999

Grand Rapids, MI 49508

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 510.APPENDIX B List of Illinois Approved Evidential Breath Analysis Instruments

MANUFACTURER	MODEL	MOBILE	NONMOBILE
CMI, Inc. Owensboro, KY	Intoxilzyer 5000 Intoxilzyer 1400	X	X X
Intoximeters, Inc. St. Louis, MO	Intoximeter 3000 Intox EC-IR RBT IV	X X	X X X
NOTE: Approval of the following instruments will cease effective January 1, 1996. The following instruments are either no longer manufactured, or repair parts are no longer available or support is limited.			
CMI, Inc. Owensboro, KY	Intoxilzyer 4011		X
Siemens-Allis, Cherry Hill, NJ	Alcomat		X
National Draeger, Inc., Pittsburgh, PA	Alcotest 7110		X
National Patent Analytical Systems, Inc., Mansfield, OH	BAC Verifier BAC Datamaster		X X
Smith and Wesson Electronics, Springfield, MA	Breathalyzer 2000		X

(Source: Added JUN 01 1995, effective

7412, Reg.

19 Ill.

effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 510.APPENDIX C List of Illinois Approved Preliminary Breath Screening Analysis Instruments

MANUFACTURER	MODEL	PASS/FAIL	DIGITAL
CMI, Inc. Owensboro, KY	S-D2	X	X
Intoximeters, Inc. St. Louis, MO	Alcosensor III Alcosensor IV	X X	X X
Note: Approval of the following instruments will cease effective January 1, 1996. The following instruments are either no longer manufactured, repair parts are no longer available, support is limited, or the instrument uses a technology for analysis of breath other than fuel cell technology.			
Approved Technology	ALCO-CHEK I ALCO-CHEK II ALCO-CHEK 3000	X X	X
Guh Laboratories, Inc., Harrisburg, PA	ALCO-TECTOR Mark X	X	
Alcohol Countermeasures Systems, Inc. Port Huron, MI	ALERT Model J-4	X	X

(Source: Added JUN 01 1995, effective

7412, Reg.

19 Ill.

effective

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 590

<u>Section Numbers:</u>	<u>Adopted Action:</u>
590.50	Amendment
590.60	Amendment
590.70	Amendment
590.80	Amendment
590.90	Amendment
590.100	Amendment
590.110	Amendment
590.120	Amendment
590.130	Amendment
590.140	Amendment
590.150	Amendment
590.160	Amendment
590.170	Amendment
590.180	Amendment
590.190	Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].5) Effective Date of Rulemaking: May 19, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: May 19, 19959) Notice of Proposal Published in Illinois Register: December 2, 1994, 18 Ill. Reg. 1717010) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: JCAR recommendations12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? Yes

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

<u>Section Numbers</u>	<u>Adopted Action</u>	<u>Illinois Register Citation</u>
590.320	Amendment	18 Ill. Reg. 16275
590.370	Amendment	18 Ill. Reg. 16275

15) Summary and Purpose of Rulemaking:

The amendments to 590.60(a)(2) correct the term "licensed medical technical" replacing it with "registered professional nurse".

The amendments to Section 590.60(a)(4) clarify that psychological testing and evaluation performed on a DORS customer may be administered by a non-psychologist as long as it is reviewed and signed by a psychologist in addition to the individual performing the testing/evaluation.

The amendments to Section 590.120 change the term "low vision aids" to the preferred "low vision devices".

Also, the term "client", in all of its forms, has been changed to the preferred term "customer", in all of its forms throughout the Subpart.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ms. Susan Warner, Manager
Address: Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217)785-3896
TTY: (217)785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.35 Effect of Comparable Benefits
590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Qualification of Acute Conditions
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids Devices
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services
590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

590.300 Default on Educational Loans

Section

590.310 Provision of Services
590.320 Self-Employment Program
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
590.460 Types of Services
590.470 Services
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services
590.510 Definitions
590.520 Purpose of Equipment Loans
590.530 Criteria for Loan of Equipment Aids
590.540 Equipment/Aids Loan Request Procedures and Approval Process
590.550 Duration of Loans
590.560 Maintenance and Return of Equipment/Aids
590.570 Assistance in Obtaining Permanent Equipment Aids
590.580 Limitations on Available Equipment/Aids

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994 for a maximum of 150 days; amended at 19 Ill. Reg. 7434, effective MAY 19 1995.

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 590.50 Provision of Services

- a) All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part.
 b) All services provided in accordance with this Subpart shall be recommended in writing by the client's customer's physician or psychologist who will perform the service.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.60 Qualification of Medical and Psychological Service Providers

To be qualified to provide services (89 Ill. Adm. Code 590.40) under this Part, the following shall apply:

- a) for providing medical services to individuals with mental or physical disabilities, the individual service providers must be:
- 1) a physician, surgeon (i.e., doctor of medicine, psychiatry or osteopathy), or chiropractor licensed pursuant to the Medical Practice Act of 1987 ~~(111-Rev-Stat-19917-ch-111-par-4409-1 et-seq-)~~ [225 ILCS 60];
 - 2) a licensed medical-technician ~~(111-Rev-Stat-19917-ch-111-par-3501-et-seq-)~~ [225 ILCS 65];
 - 3) a therapist or physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987 ~~(111-Rev-Stat-19917-ch-111-par-4601-et-seq-)~~ [225 ILCS 95];
 - 4) a psychologist licensed to practice under the Clinical Psychologists ~~Psychologists~~ Licensing and ~~Disciplinary~~ Act ~~(111-Rev-Stat-19917-ch-111-par-5952-et-seq-)~~ [225 ILCS 15] by the Illinois Department of Professional Regulation or, registered and--approved for customers receiving secondary educational services, certified by the Illinois State Board of Education. Psychological testing or evaluation performed by an individual who does not meet the criteria above but who has the appropriate training and skill to administer such testing and evaluation may be accepted if co-signed by an individual holding the credentials listed above:
- 5) an optometrist licensed pursuant to Optometric Licensing Act ~~(111-Rev-Stat-19917-ch-111-par-3901-et-seq-)~~ [225 ILCS 80]; or
- 6) podiatrists licensed pursuant to the Podiatric Medical Practice Act of 1987 ~~(111-Rev-Stat-19917-ch-111-par-4001-et-seq-)~~ [225 ILCS 100].
- b) Hospitals used to provide services to clients customers under this Part must be approved by the Joint Commission on Accreditation of Hospitals.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- c) In order to provide hearing and hearing aid evaluations under 89 Ill. Adm. Code 590.90 - Hearing Aids, the evaluator must:
- 1) be licensed pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act (Audiology Act) (111-Rev-Stat-19917 ch-1117 par-7991-et-seq-7) [225 ILCS 110];
 - 2) meet the requirements set forth in the Hearing Aid Consumer Protection Act (Hearing Aid Act) (111-Rev-Stat-19917-ch7-1117 par-7491-et-seq-7) [225 ILCS 50]; or
 - 3) if not approved as of the effective date of this Part, be approved by the Manager, Division of Services for Persons who are Deaf or Hard of Hearing, or his/her designee. This approval shall be based on the evaluator's ability to:
 - A) conduct testing in an acoustically treated booth;
 - B) ensure a maximum ambient noise level at or below the standards established by the American National Standards Institute (ANSI 3.1-1977); and
 - C) provide testing with both ear phones and in a sound field (any test environment in which auditory stimuli are presented via a calibrated audiometer through one or more loudspeakers).
 - d) Speech and language pathologists must be approved by American Speech and Hearing Association (ASHA) and have a Certificate of Clinical Competence (CCC) in Speech Pathology.
 - e) Hospital surgical teams providing heart surgery (89 Ill. Adm. Code 590.140) must perform at least 100 such operations per year as documented by the hospital in which the services will be performed.
 - f) Prosthetic/orthotic device vendors must be certified by the American Board of Certification in Orthotics and Prosthetics, Inc., or by the National Association of Retail Druggists.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.70 Treatment of Acute Conditions

- a) DORS will pay for treatment of an acute condition which is severe but of a short duration which is determined by the attest customer and counselor as necessary at any time during the life of the case which is recommended by an appropriate medical professional and which is necessary to avoid interruption of services listed in the attest customer's IWRP.
- b) An amendment to the IWRP (89 Ill. Adm. Code 572.80) is required to allow for the provision of these services.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.80 Medication and Treatment

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) DORS may pay for medication/treatment (e.g., doctor's office visits, medication) if necessary to cure or stabilize a condition in accordance with the attest customer's IWRP.
- b) DORS shall not pay for ongoing medication/treatment (treatment for a condition for which there is no foreseeable date of termination of the medication/treatment) except as a support service to the primary service on the IWRP (e.g., a attest customer requires insulin to control his/her diabetes in order to attend training) and then only until completion of that primary service.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.90 Hearing Aids

Any attest customer who has been determined to have a hearing disability as confirmed during the Determination of Eligibility (89 Ill. Adm. Code 553.20) and for whom the outcome of the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) is that attainment of a hearing aid is or is expected to be a necessary service must undergo a hearing evaluation and a hearing aid evaluation.

- a) A hearing evaluation shall consist of:
- 1) air and bone conduction testing;
 - 2) speech reception threshold;
 - 3) speech discrimination;
 - 4) most comfortable loudness level; and
 - 5) uncomfortable loudness level.
- b) A hearing aid evaluation shall consist of:
- 1) selection of an appropriate hearing aid, based upon the outcome of the hearing evaluation (89 Ill. Adm. Code 590.90 (a));
 - 2) fitting of the hearing aid;
 - 3) adaptation and services of the hearing aid;
 - 4) testing of the hearing aid by means of an audiometer calibrated to American National Standards Institute standards (ANSI Section 3.6-1989, with no later amendments); and
 - 5) other testing allowed pursuant to 77 Ill. Adm. Code 682.300 - Hearing Aid Consumer Protection Code.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.100 Binaural Hearing Aids

- Binaural hearing aids will be purchased for a attest customer only when:
- a) the provisions listed at 89 Ill. Adm. Code 590.20 are met;
 - b) the need for binaural aids is evidenced in the attest customer's audiological profile (i.e., the results of the attest customer's hearing and hearing aid evaluations); and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- c) the client's ability to effectively utilize binaural hearing aids by improved discrimination ability, increased sound source identification and increased sound direction has been certified by a qualified evaluator (89 Ill. Adm. Code 590.60(c)).

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.110 Speech and Language Services

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DORS will provide speech and language pathology services (i.e., speech, language and/or dysphagia evaluations; speech, language and/or dysphagia therapy; and speech reading services) in accordance with the client's Customer's long term rehabilitation goals as stated on his/her IWRP (89 Ill. Adm. Code 572).

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.120 Low Vision Aids Devices

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DORS will provide low vision aids devices including electronic devices (e.g., closed circuit television magnification systems).

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.130 Mental Restoration Services

- a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DORS will, with the exception of electro-shock treatments, provide in-patient mental restoration services from a private hospital only when the need for such services is documented in the client's Customer's case file by reports from the client's Customer's psychiatrist or psychologist and comparable benefits (89 Ill. Adm. Code 567.30(d)) are not timely or available.

- b) In such cases, comparable benefits shall be arranged at the soonest possible time after initiation of services and DORS funding shall be withdrawn.

- c) DORS shall not pay for on-going mental-restoration services (when there is no foreseeable ending date for the services) unless these services are in support of a primary service listed on the client's Customer's IWRP and then only until completion of the primary service.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 590.140 Heart Surgeries

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DORS will provide heart surgery for a client Customer when documentation from the client's Customer's physician is contained in the client's Customer's case file and indicates that the client's Customer's prognosis for returning to gainful employment is good.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.150 Kidney Transplant and Related Services

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DORS shall provide kidney transplant, dialysis and artificial kidney services to a client Customer diagnosed as having end stage renal failure when information contained in the client's Customer's case file indicates the client's Customer's prognosis for returning to gainful employment is good.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.160 Chiropractic Services

Pursuant to the provisions of 89 Ill. Adm. Code 590.20 chiropractic services may be provided to customers when there are no medical contraindications to spinal manipulations.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.170 Prosthetic and Orthotic Devices

- a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, prosthetic and orthotic devices may be provided to a client Customer when a physician has issued a prescription for the device:

- 1) the client Customer has undergone an evaluation at an amputee clinic; or
 - 2) has been evaluated by a psychiatrist, orthopedist, or other qualified physician and the need for evaluation by an amputee clinic has been waived by the Rehabilitation Services Supervisor and DORS' State Program Specialist for Medical Services.
- b) The evaluation by an amputee clinic referenced in (b), above, shall include an assessment of the client's Customer's readiness for fitting of the device, evaluation of the client's Customer's fit, evaluation of the fabrication of the completed device and evaluation of the client's Customer's individual training needs for the use of the device.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5200
- 3) Section Numbers
5200.APP A
Proposed Action:
Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
May 19, 1995 19 Ill Reg. 6747
- 5) Reason for the Withdrawal:
The Illinois Educational Facilities Authority is not required to serve notice of amendments to Title 2 Administrative Rules.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

MAY 19 1995)

Section 590.180 Wheelchairs

Pursuant to the provisions of 89 Ill. Adm. Code 590.20, a wheelchair will be purchased for a client customer only when a prescription for the device is issued by the client's customer's physician.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

Section 590.190 Prohibited Services

Under no circumstances shall DORS provide to a client customer:

- a) intestinal by-pass or stapling surgeries for the treatment of extreme obesity;
- b) abortions, or any associated services;
- c) transsexual services, or any associated services;
- d) organ transplants, or any related services, with the exception of Kidney Transplants and Related Services (89 Ill. Adm. Code 590.150); and
- e) any drug, therapeutic device, procedure, or surgery which has not be approved by the Food and Drug Administration of the United States Department of Health and Human Services.

(Source: Amended at 19 Ill. Reg. 7434, effective MAY 19 1995)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 16, 1995 through May 22, 1995, and have been scheduled for review by the Committee at its June 20, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/2/95	Illinois Commerce Commission, Cost of Service (83 Ill Adm Code 791)	9/9/94 18 Ill Reg 13551	6/20/95
7/5/95	Department of Public Aid, Related Program Provisions (89 Ill Adm Code 117)	3/17/95 19 Ill Reg 3295	6/20/95

PROCLAMATIONS

95-282

DISASTER AREAS - MADISON AND ST. CLAIR COUNTIES

A system of severe thunderstorms accompanied by high winds and torrential rains began on Saturday, May 13, 1995, and continues until this date. Since Saturday, these storms have delivered more than 10 inches of rain acculating in low-lying areas, which have resulted in flash flooding and flooding along the tributaries of the Mississippi River in the counties of St. Clair and Madison. This has caused a disruption of public services and damages to local roads, homes, businesses and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Madison and St. Clair Counties to be State of Illinois disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of government.

Issued by the Governor May 18, 1995.

Filed by the Secretary of State May 18, 1995.

95-283

DISASTER AREA - MONROE COUNTY

Tornadoes and severe thunderstorms on May 18 were part of a severe storm system that moved across southwestern Illinois, inflicting heaving losses in the towns in Monroe County. Tornadoes have caused extensive damage to homes, businesses, farms, livestock, and public property in those communities and rural unincorporated areas. Power outages and damage to electrical transmission lines and trees also occurred throughout the county.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Monroe Knox County to be a State of Illinois disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of government.

Issued by the Governor May 19, 1995.

Filed by the Secretary of State May 19, 1995.

95-284

AMERICAN ISLAMIC COMMUNITY WEEK

Whereas, the Muslim Community Center (M.C.C.) of Chicago will hold a day-long convention on May 21, 1995; and

Whereas, the convention will commemorate the 25th anniversary of the Muslim Community Center, which is the oldest community center serving the local American Muslims of all nationalities living in Chicago and Illinois; and

Whereas, the 25th anniversary convention will focus on contributions of local Muslims to Chicago and Illinois; and

Whereas, more than 300,000 American Muslims reside in the Chicago land area, promoting the theme of human brotherhood and unity in diversity; and Whereas, the Muslim Community Center of Chicago strives for harmony in intercultural relations, for friendship, and for world peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15-21, 1995, as AMERICAN ISLAMIC COMMUNITY WEEK in Illinois and urge all citizens to join in activities in celebration of this occasion.

Issued by the Governor May 9, 1995.

Filed by the Secretary of State May 22, 1995.

95-285

ILLINOIS RIVERS APPRECIATION MONTH

Whereas, Illinois' development as a great state owes much to our rivers, their explorers -- such as Marquette, Joliet, and LaSalle -- and the builders of the forts and later cities along the banks of these rivers -- such as Massac on the Ohio, Starved Rock and Creve Coeur on the Illinois, Kaskaskia on the Mississippi, and Dearborn in Chicago; and

Whereas, Illinois communities, which originally flourished on the banks of the avenues of commerce our rivers provide, are today revitalizing their waterfronts to provide both economical and recreational opportunities while preserving important aspects of their resources and history; and

Whereas, Illinois citizens are becoming increasingly aware of the importance of our rivers as habitat for fish and other aquatic organisms, for recreation, as scenic resources, and for clean drinking water, and of the importance of the riparian corridor for soil conservation and wildlife habitat; and

Whereas, all citizens should be involved in efforts to clean our streams, practice soil conservation, protect scenic areas, and advocate such efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1995 as ILLINOIS RIVERS APPRECIATION MONTH in Illinois to increase public awareness of the importance of our rivers as resources vital to our state.

Issued by the Governor May 10, 1995.

Filed by the Secretary of State May 22, 1995.

95-286

INTERNAL AUDITOR WEEK

Whereas, internal auditing is an appraisal function utilized by private and public entities to assess the adequacy of operations and controls that exist within organizations for efficiency, economy, and effectiveness and is instrumental in the detection and prevention of fraud; and

Whereas, there are seven chapters of the Institute of Internal Auditors servicing Illinois member -- three in Chicago and one each in central Illinois, Illiana, Quad Cities, and St. Louis; and

Whereas, the Institute of Internal Auditors is dedicated to dissemination of knowledge relevant to the internal auditing profession; and

Whereas, the Certified Internal Auditor Designation is recognized as a sign of achievement within the internal auditing profession and is open to all members of the profession regardless of membership in the Institute of Internal Auditors; and

Whereas, the Institute of Internal Auditors is scheduled to administer the Certified Internal Auditor examination on May 17 and 18;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 14-20, 1995, as INTERNAL AUDITOR WEEK in Illinois and urge all Illinois residents to join in this observation.

Issued by the Governor May 10, 1995.

Filed by the Secretary of State May 22, 1995.

95-287

STRAVINSKY AWARDS DAY

Whereas, Champaign, Illinois, will host the 10th annual Stravinsky Awards; and

Whereas, this is the largest and most illustrious international piano competition in the world for children and young adults; and

Whereas, more than 330 gifted pianists, ages 6 to 18, will gather for the 1995 Stravinsky Awards International Piano Competition; and

Whereas, these young performers come from 17 foreign countries and 36 states to compete, learn, share, and succeed; and

Whereas, the Stravinsky Awards were established in honor of Soulima Stravinsky, the distinguished son of the 20th century composer, Igor Stravinsky, who was a 26-year veteran member of the University of Illinois piano faculty; and

Whereas, with support from the Stravinsky family and from patrons in the Champaign-Urbana area and all over the world, the Stravinsky Awards have achieved a dominant position in the world of competition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1995, as STRAVINSKY AWARDS DAY in Illinois to mark the commencement of the 1995 competition.

Issued by the Governor May 10, 1995.

Filed by the Secretary of State May 22, 1995.

95-288

UNITED STATES PROFESSIONAL TENNIS ASSOCIATION'S TENNIS ACROSS AMERICA DAY

Whereas, tennis is a recreational game and a competitive sport that is played by millions of people of all ages and ability levels across the United States; and

Whereas, tennis is a proven means of achieving and maintaining physical fitness; and

Whereas, the United States Professional Tennis Association (USPTA) is the oldest and largest association of professional tennis teachers in the world; and

Whereas, the USPTA is a non-profit association and its members aspire to increase participation in tennis and to elevate the standards of tennis

teaching as a profession; and

Whereas, the month of May has been designated "National Physical Fitness and Sports Month" in the United States; and

Whereas, May 13, 1995, has been designated as "Tennis Across America Day"; and

Whereas, the goal of physical fitness is shared by both USPTA and the State of Illinois; and

Whereas, the USPTA teaching professionals have an unselfish effort to contribute further to the revitalization of tennis and to the value of health consciousness in communities across Illinois and the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 13, 1995, as UNITED STATES PROFESSIONAL TENNIS ASSOCIATION'S TENNIS ACROSS AMERICA DAY in Illinois.

Issued by the Governor May 10, 1995.

Filed by the Secretary of State May 22, 1995.

95-289

COMMUNITY RENEWAL DAY

Whereas, on May 25, 1995, the Community Renewal Society will host its annual dinner in Chicago; and

Whereas, for 113 years, the Community Renewal Society has believed that it is most important to love your neighbor; and

Whereas, in 1882, Chicago residents were confronted with many new and quite different neighbors to love; and

Whereas, to make sure the newcomers were treated justly and with love, the Chicago City Missionary Society was founded by leaders of the Congregational Church; and

Whereas, times change, names change, and neighborhoods and cities change, but the Community Renewal Society, as it became known in 1967, is still faithful to its mission of "Love thy neighbor"; and

Whereas, the Community Renewal Society works in four distinctive ways: Renewal in Communities, Churches in Communities, Publications, and Advocacy in Communities; and

Whereas, today we recognize its rich heritage and legacy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 25, 1995, as COMMUNITY RENEWAL DAY in Illinois.

Issued by the Governor May 11, 1995.

Filed by the Secretary of State May 22, 1995.

95-290

HOMER FRANKLIN DAY

Whereas, the Olive-Harvey Middle College is a high school for former drop-outs who made the decision to return to school; and

Whereas, Homer Franklin, who is retiring as president of Olive-Harvey College, has been its strongest supporter in the nine years since its inception; and

Whereas, Homer Franklin's vision was of a program that would reclaim our youth. His commitment to and compassion for young people has helped make the Middle School one of the best alternative schools in the City of Chicago; and

Whereas, in tribute to Mr. Franklin's 40 years of commitment to education

and the public good, several distinguished guests will speak on May 12, 1995, on the significance and importance of public service and on the theme "Excellence is Built from Effort and Endurance;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12, 1995, as HOMER FRANKLIN DAY in Illinois in honor of his many years of dedicated service.

Issued by the Governor May 11, 1995.

Filed by the Secretary of State May 22, 1995.

95-291

MARY NEIGHBORS DAY

Whereas, Mary Neighbors has helped provide students with a quality education for more than 40 years; and

Whereas, from 1953 to 1954, Ms. Neighbors taught in a rural one-room schoolhouse in Monroe County, Kentucky; and

Whereas, since 1957, Mary Neighbors has been teaching at Arthur High School in Arthur, Illinois; and

Whereas, at Arthur High School, she has been an advocate and sponsor of student groups, including the Future Homemakers of America, serving as the junior and senior class sponsor, and as the IVHETA State Treasurer; and

Whereas, she has been a loyal and dedicated teacher throughout her career and is respected and loved for her work with students; and

Whereas, after 42 years of service to students and educators, she has decided to retire;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 28, 1995, as MARY NEIGHBORS DAY in Illinois.

Issued by the Governor May 11, 1995.

Filed by the Secretary of State May 22, 1995.

95-292

SAFE BOATING WEEK

Whereas, more than 70 million Americans annually enjoy recreational boating, including fishing, water skiing, hunting, canoeing, and kayaking and some one million of those boaters reside in Illinois; and

Whereas, responsible boaters comply with requirements to carry life jackets aboard their vessels and understand the value of having and wearing personal flotation devices; and

Whereas, life jackets annually help save lives that might otherwise be lost because responsible boaters understand that life jackets save lives and they won't work if you don't wear them; and

Whereas, the Congress of the United States, by joint resolution, requested the President to proclaim annually one week as National Safe Boating Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21-27, 1995, as SAFE BOATING WEEK in Illinois and urge all residents of the state who use our waterways for recreation to carry and wear life jackets and make sure those around them also wear life jackets.

Issued by the Governor May 11, 1995.

Filed by the Secretary of State May 22, 1995.

95-293

WOMEN IN MANAGEMENT DAY

Whereas, the Capitol City Chapter of Women In Management, Inc. will celebrate its 13-year anniversary at an annual meeting to be held May 18, 1995, in Springfield, Illinois; and

Whereas, Women In Management, Inc. is a support organization for career-oriented women in managerial and professional positions in six categories of business: corporate, academic, not-for-profit, government, licensed professional, and entrepreneur; and

Whereas, the mission of Women In Management, Inc. is to promote the professionalism of our members through education, development, encouragement, and mentoring; to promote the growth of our organization to bring these services to other women throughout the nation; and to encourage growth, networking, and quality within our existing chapters; and

Whereas, the Capitol City Chapter of Women In Management offers membership benefits which include leadership support and training, member networking opportunities, a mentoring program, local and national job banks, local and national achievement awards, scholarship programs, and informative monthly meetings to exchange ideas and resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18, 1995, as WOMEN IN MANAGEMENT DAY in Illinois.

Issued by the Governor May 11, 1995.

Filed by the Secretary of State May 22, 1995.

95-294

DWIGHT "DIKE" EDDLEMAN DAY

Whereas, Dwight "Dike" Eddleman, possibly the greatest all-around athlete in the history of the University of Illinois, athletics, retired in December 1992 but continues to act as a consultant for the Fighting Illinois Scholarship Fund; and

Whereas, in four seasons at Centralia High School, Dike scored 2,702 points, 969 of them coming in his junior year and exceeded 40 points in six different games; and

Whereas, from 1946-48, the Centralia, Illinois, native earned 11 varsity letters for the Fighting Illini in three sports- football, basketball, and track-the most ever awarded to one athlete; and

Whereas, in December of 1961, Eddleman was named to the Illinois Sports Hall of Fame following a poll of the Illinois Associated Press Sports Editors' Association; and

Whereas, selected by the Evansville Courier and Press, Eddleman was named as one of the ten charter members in the Tri-State (Illinois, Indiana, and Kentucky) Sports Hall of Fame in August 1964; and

Whereas, in 1972 he was selected as a charter member of the Illinois Basketball Hall of Fame, and

Whereas, in 1983 he was named Varsity "I" Man of the Year and was inducted into the National High School Sports Hall of Fame in 1984; and

Whereas, in 1990 he was named to the U of I All Century Football Team and was twice named Illinois' Athlete of the Year; and

Whereas, he was awarded the Illinois 1949 conference honor medal for athletics and scholarship;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17, 1995 as DWIGHT "DIKE" EDDLEMAN DAY in Illinois.

Issued by the Governor May 12, 1995.

Filed by the Secretary of State May 22, 1995.

95-295

ILLINOIS SCHOOL FOR THE DEAF 1995 NATIONAL DEAF BASKETBALL CHAMPIONS DAY

Whereas, the Illinois School for the Deaf 1994-95 Basketball Team has been named 1995 National Deaf Champions by The Silent News; and

Whereas, the Tigers finished the season with a 21-4 record, won the Central States Schools for the Deaf tournament for the fourth straight year, and won the Virginia tournament; and

Whereas, this is the first sole Team of the Year designation since ISD shared the designation with North Carolina in 1980; and

Whereas, five starters are the recipients of individual awards -- Leo Gutierrez was named to the All-American First Team; Craig Kuhn and Curt Kuhn were named to the All-American Second Team; Chris Kuhn was named to the All-American Third Team; and Denis Winfert was named All-American Honorable Mention;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17, 1995, as ILLINOIS SCHOOL FOR THE DEAF 1995 NATIONAL DEAF BASKETBALL CHAMPIONS DAY in Illinois and urge all Illinois citizens to recognize this important achievement and acknowledge the talent, hard work, discipline, and determination displayed by this team.

Issued by the Governor May 12, 1995.

Filed by the Secretary of State May 22, 1995.

95-296

MARINE CORPS LEAGUE WEEK

Whereas, the Effingham Leatherneck Detachment Marine Corps League is hosting the 51st Annual Department of Illinois Marine Corps League convention June 22-25, 1995; and

Whereas, the Marine Corps League holds sacred the history of these men who have given their lives for the principles of freedom; and

Whereas, the Marine Corps League fully concurs in the principles of readiness to fight for our freedom and the freedom of the United States of America;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 19-24, 1995, as MARINE CORPS LEAGUE WEEK in Illinois and request and encourage all citizens to show a friendly spirit of cooperation to all the former and active duty Marines.

Issued by the Governor May 12, 1995.

Filed by the Secretary of State May 22, 1995.

95-297

MARVA N. COLLINS APPRECIATION DAY

Whereas, Marva N. Collins has instilled confidence in children of all races and nationalities that they can achieve excellence; and

Whereas, in celebration of Mrs. Collins' commitment to education and immeasurable love for her students, the Second Annual Salute to Marva N. Collins will be held at the Sheraton Chicago Hotel & Towers to pay tribute to Mrs. Collins; and

Whereas, the Westside Preparatory School was founded in 1975 by Mrs. Collins. Her methodology and the success of her school has attracted the attention of educators and admirers across the nation, including the media, resulting in the school being featured on "60 Minutes", "Good Morning America", and the made-for-television movie, "The Marva Collins Story"; and

Whereas, Westside Preparatory School has expanded from the second floor of Mrs. Collins' home to the current Westside location at 4156 West Chicago Avenue, the Marva Collins Preparatory School located on Chicago's southside, and the federally sponsored Ida B. Wells Preparatory School; and

Whereas, Marva N. Collins continues to build upon the foundation of excellence in education which she has set;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19, 1995, as MARVA N. COLLINS APPRECIATION DAY in Illinois and urge all citizens of Illinois to be inspired by her accomplishments which have become a part of our state's great history.

Issued by the Governor May 12, 1995.

Filed by the Secretary of State May 22, 1995.

95-298

UMBRIAN GLEE CLUB DAY

Whereas, the Chicago Umbrian Glee Club will celebrate its 100th anniversary with a concert on June 11, 1995, at the DuSable Museum of African American History in Chicago; and

Whereas, the 25-member choral group was founded in 1895 by Arthur Brown at Bethel AME Church and, since then, the all-male chorus has presented concerts of classical and traditional songs for music lovers and friends at churches and other locations; and

Whereas, the Umbrian Glee Club is one of Chicago's oldest organizations, enriching the cultural history of the city and state with its blended voices raised in song;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 11, 1995, as UMBRIAN GLEE CLUB DAY in Illinois in honor of its 100th anniversary and commend its members on their dedication to excellence and their love of music.

Issued by the Governor May 12, 1995.

Filed by the Secretary of State May 22, 1995.

95-299

LUCILLE MOTT HERRON DAY

Whereas, Lucille Mott Herron has dedicated 28 years of her life to the students of East St. Louis School District 189; and

Whereas, Lucille Mott Herron has epitomized the professionalism and dedication to the proper nutrition of students at Hawthorne Elementary School, King Jr. High School, Lincoln Senior High School, and East St. Louis Senior High School; and

Whereas, Lucille Mott Herron has served as an outstanding employee and a

role model during her 28 years of dedicated and loyal service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1995, as LUCILLE MOTT HERRON DAY in Illinois and commend her for her outstanding contributions to more than 60,000 students of East St. Louis.

Issued by the Governor May 15, 1995.

Filed by the Secretary of State May 22, 1995.

95-300

RABBI MORDECAI SIMON DAY

Whereas, Rabbi Mordecai Simon has served as the Executive Vice President of the Chicago Board of Rabbis since 1963; and

Whereas, Rabbi Simon has and continues to serve on numerous religious and secular councils, commissions, and committees representing the Jewish community; and

Whereas, Rabbi Simon's dedication has been recognized through the presentation of such distinguished honorary citations as the Jewish Theological Seminary's Rabbinical Service Award of Appreciation and the Raoul Wallenberg Humanitarian Award; and

Whereas, Rabbi Simon will soon be retiring after 32 years of service with the Chicago Board of Rabbis;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21, 1995, as RABBI MORDECAI SIMON DAY and congratulate the Rabbi on his many years of service and wish him all the best in the future.

Issued by the Governor May 15, 1995.

Filed by the Secretary of State May 22, 1995.

95-301

BRAIN TUMOR AWARENESS WEEK

Whereas, more than 750 people concerned with brain tumor research will come from across the United States, Canada, and Europe to hear the nation's top neuroscientists speak about brain tumor treatment; and

Whereas, this is the second biennial Brain Tumor Symposium of the American Brain Tumor Association; and

Whereas, every 5 minutes, another American is diagnosed with a brain tumor, representing more than 105,000 people every year; and

Whereas, medical advances, advances which came through the hard work and dedication of researchers, give brain tumor patients hope; and

Whereas, there is still much to be done to advance the research of curing brain tumor patients; and

Whereas, the American Brain Tumor Association will provide much of the needed support for brain tumor patients and their families;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5-11, 1995, as BRAIN TUMOR AWARENESS WEEK in Illinois.

Issued by the Governor May 16, 1995.

Filed by the Secretary of State May 22, 1995.

95-302

JOHN GEORGE/LITTLE CITY ARTISTIC EXPRESSION DAY

Whereas, Little City Foundation, a nonsectarian, nonprofit organization

located in Palatine, Illinois, provides a broad range of programs and services to improve the quality of life for children and adults with mental retardation and other developmental challenges; and

Whereas, Little CityFEs 1995 Annual Dinner honors the long-standing and dedicated service to the organization by John J. George; and

Whereas, this annual dinner will celebrate the creative expression of people with developmental challenges by showcasing the artwork of several Little City Foundation program participants;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 19, 1995, as JOHN GEORGE/LITTLE CITY ARTISTIC EXPRESSION DAY in Illinois.

Issued by the Governor May 16, 1995.

Filed by the Secretary of State May 22, 1995.

95-303

MODEL "A" RESTORERS WEEK

Whereas, the Model "A" Restorers Club (MARC) will hold its National Convention and Trophy Meet June 26-30, 1995, at the Pheasant Run Resort in St. Charles, Illinois; and

Whereas, the Model "A" Restorers Club is an international organization with more than 9,000 members; and

Whereas, the general purpose of the group is to encourage the members to acquire, preserve, restore, exhibit, and make use of the Model "A" Ford vehicle, model years 1928-1931, and all things pertaining to the Model "A" Ford including literature, technical, and historical information; and

Whereas, the Joliet Region MARC will be touring in the FEAs' to Springfield the weekend of May 20 to see history, past and present; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 26-30, 1995, as MODEL "A" RESTORERS WEEK in Illinois.

Issued by the Governor May 16, 1995.

Filed by the Secretary of State May 22, 1995.

95-304

TURKISH BUSINESS AND CULTURAL DAY

Whereas, the Midwest Chapter of the Assembly of Turkish American Associations will hold a "FETurkish Symposium" at Swissotel in Chicago on June 3, 1995; and

Whereas, this exhibit will provide a wonderful opportunity for the residents of Illinois to become familiar with the commerce, traditions, and cultural riches of Turkey; and

Whereas, the topics of the symposium will include Turkish art, tourism, politics, and Turkey as an emerging market for US businesses; and

Whereas, the symposium will afford a forum for governmental and business representatives of both countries and will further develop and strengthen the ties between Illinois and the Turkish Republic;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 3, 1995, as TURKISH BUSINESS AND CULTURAL DAY in Illinois.

Issued by the Governor May 16, 1995.

Filed by the Secretary of State May 22, 1995.

95-305

BOB WHITE DAY

Whereas, Dr. R.J. O'Neil, who took the pen name Bob White, set a record over 40 years for the number of appearances in the Aurora Beacon-News that would make any professional athlete jealous; and

Whereas, Bob tackled each column with a creative flair that made the reader feel as if they were at the athlete's side experiencing the moment themselves instead of reading about it at the breakfast table; and

Whereas, the members of the Association of Great Lakes Outdoor Writers thought enough of Bob's talents to elect him as their president in 1961; and

Whereas, Bob's singing talents rival any of the songbirds he loves to observe; and

Whereas, Bob's dedication to his community resulted in the founding of the Mid American Canoe Race on the Fox River which is enjoying its 35th year; and

Whereas, Bob is a sterling example for outdoor enthusiasts of all ages with an ethic and love of the outdoors that is second to none; and

Whereas, Bob's extensive knowledge of the outdoors resulted in a trip to Scotland to search for the elusive Loch Ness monster;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19, 1995, as BOB WHITE DAY in Illinois in recognition of his lifelong contribution to greater appreciation of the outdoors.

Issued by the Governor May 16, 1995.

Filed by the Secretary of State May 22, 1995.

95-306

DAY OF THE AFRICAN CHILD

Whereas, the Day of the African Child, the cornerstone annual event in the Decade of the African Child, is being observed in our state at a luncheon on June 12, 1995, and throughout the world on June 16, 1995; and

Whereas, the Day of the African Child is observed to honor the memory of the children of Soweto, South Africa, who were killed on June 16, 1976, for opposing apartheid, and is an important international event for focusing greater public attention and resources on Africa's children; and

Whereas, the Organization of African Unity has been joined by the United Nations Children's Fund, (UNICEF) as well as the US Committee for UNICEF, to hold memorial and celebratory activities in major cities and small towns around the world that will give notice that the African child is in the thoughts and hearts of millions of people; and

Whereas, African children are a diverse as the continent itself -- living in densely populated, central, modern cities, and in sparsely populated, remote, and isolated villages; speaking hundreds of languages; embodying vastly different cultures; and living under widely varied economic and social conditions; and

Whereas, children in our own great state have come from many of these cultures and backgrounds; and

Whereas, we must take time to give special attention to the children of Africa, especially those who are in imminent danger of death from natural causes, from civil war and internal strife, from malnutrition and starvation, and from preventable diseases and poor living conditions; and

Whereas, we must strive to ensure that the children of Africa live, that

they are happy and do not suffer, and that they grow up educated to live productive lives:

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1995, as DAY OF THE AFRICAN CHILD in Illinois.

Issued by the Governor May 17, 1995.

Filed by the Secretary of State May 22, 1995.

95-307

ILLINOIS REHABILITATION ASSOCIATION DAY

Whereas, the Illinois Rehabilitation Association is committed to helping people with disabilities and those professionals that provide them services; and

Whereas, the Illinois Rehabilitation Association is holding its State Conference on June 12-14, 1995, in Springfield; and

Whereas, rehabilitation professionals should be recognized for the important services they provide to members of Illinois communities; and

Whereas, the association's mission is to advance the field of rehabilitation by promoting leadership through professional development activities, networking, legislative activism, and community education for individuals who work with persons with disabilities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1995, as ILLINOIS REHABILITATION ASSOCIATION DAY in Illinois.

Issued by the Governor May 17, 1995.

Filed by the Secretary of State May 22, 1995.

95-308

RIDESHARE WEEK

Whereas, the Illinois Rehabilitation Association is committed to helping people with disabilities and those professionals that provide them services; and

Whereas, the Illinois Rehabilitation Association is holding its State Conference on June 12-14, 1995, in Springfield; and

Whereas, rehabilitation professionals should be recognized for the important services they provide to members of Illinois communities; and

Whereas, the association's mission is to advance the field of rehabilitation by promoting leadership through professional development activities, networking, legislative activism, and community education for individuals who work with persons with disabilities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1995, as ILLINOIS REHABILITATION ASSOCIATION DAY in Illinois.

Issued by the Governor May 17, 1995.

Filed by the Secretary of State May 22, 1995.

95-309

DISASTER AREA - ALEXANDER COUNTY

A system of severe thunderstorms accompanied by high winds and torrential rains began last week and continues until this date. These rains have delivered more than 12 inches of rain along tributaries of the Mississippi River, accumulating in low-lying areas in Alexander County. These rain storms have

caused a disruption of public services and damage to local roads, homes, businesses, farmlands, public properties and unincorporated areas. Flash flooding along the Mississippi River and tributaries threaten the stability of the Len Small Levee.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Alexander County to be a State of Illinois disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of government.

Issued by the Governor May 18, 1995.

Filed by the Secretary of State May 18, 1995.

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